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House File 430 - Introduced

HOUSE FILE 430
BY ABDUL-SAMAD

A BILL FOR

1 An Act relating to named driver exclusions in motor vehicle
2 insurance policies and providing criminal penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 321.21 Named driver exclusions —**
2 **failure to maintain financial liability coverage.**

3 1. An owner of a motor vehicle who obtains a policy of
4 liability insurance that meets the financial liability coverage
5 requirements of this chapter and that contains a named driver
6 exclusion which excludes a named individual from coverage under
7 the policy, and who expressly or impliedly permits that named
8 individual to drive the motor vehicle, commits the violation of
9 failure to maintain financial liability coverage under section
10 321.20B, subsection 1.

11 2. If the owner is found guilty of a violation of this
12 section, the court shall impose a fine as provided in section
13 805.8A, subsection 14, paragraph "f".

14 EXPLANATION

15 This bill provides that an owner of a motor vehicle who
16 obtains a policy of liability insurance that meets the
17 financial liability requirements of Code chapter 321 and that
18 contains a named driver exclusion which excludes a named
19 individual from coverage under the policy, and who expressly
20 or impliedly permits that named individual to drive the motor
21 vehicle, commits the violation of failure to maintain financial
22 liability coverage under Code section 321.20B, subsection 1.

23 If the owner is found guilty of a violation of the bill, the
24 court shall impose the scheduled fine applicable to a violation
25 of Code section 321.20B, subsection 1. The scheduled fine is
26 \$500 for a violation that occurs in connection with a motor
27 vehicle accident, and \$250 in other instances.



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House File 431 - Introduced

HOUSE FILE 431

BY M. SMITH, WINDSCHITL,
BALTIMORE, and T. TAYLOR

(COMPANION TO SF 172 BY ERNST)

A BILL FOR

1 An Act relating to the length of on-duty periods and required
2 rest periods for drivers of rail crew transport vehicles,
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. NEW SECTION. 321.449A Rail crew transport
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is
4 designed to transport seven or more persons but fewer than
5 sixteen persons including the driver and is used to transport
6 railroad workers to or from their places of employment or
7 during the course of their employment is subject to the
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period
12 after having been on duty for fifteen hours following eight
13 consecutive hours of uninterrupted rest.

14 c. The driver shall not accept a call for service from the
15 driver's employer during a period of uninterrupted rest.

16 2. For purposes of this section, the following definitions
17 apply:

18 a. "Employer" means a railroad worker transportation
19 company, as defined in section 327F.39, for whom the driver
20 performs a service, either for wages or as an independent
21 contractor.

22 b. "On duty" means all time from the time a driver begins
23 work or is required to be ready to work until the time the
24 driver is relieved from work and all responsibility for
25 performing work, whether or not the driver is compensated for
26 all of the time. A driver may drive more than one assigned
27 trip, as long as the trip falls within the on-duty period. A
28 driver "begins work" when the driver enters a transport vehicle
29 to begin a trip assignment and is not "relieved from work" until
30 the driver has exited the transport vehicle for the final time.

31 c. "Uninterrupted rest" means that the employer shall not
32 communicate with the driver by telephone, pager, or in any
33 other manner that could reasonably be expected to disrupt the
34 driver's rest.

35 3. A person who violates this section commits a simple

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1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 13, paragraph "b".

3 Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *0c.* "Driver" means a person who operates
6 a motor vehicle for the transportation of railroad workers in
7 the motor vehicle on behalf of a railroad worker transportation
8 company, whether the person is employed by the company for
9 wages or drives for the company as an independent contractor.

10 NEW PARAGRAPH. *0g.* "Railroad worker transportation
11 company" means a person, other than a railroad corporation,
12 organized for the purpose of or engaged in the business of
13 transporting, for hire, railroad workers to or from their
14 places of employment or in the course of their employment in
15 motor vehicles designed to carry seven or more persons but
16 fewer than sixteen persons including the driver.

17 Sec. 3. Section 327F.39, Code 2013, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. *Rest periods for drivers.*

20 *a.* A railroad worker transportation company shall not
21 require a driver to operate a motor vehicle in violation of
22 section 321.449A. A railroad worker transportation company
23 may require a period of uninterrupted rest for a driver at
24 any time. The period of uninterrupted rest shall not be less
25 than eight hours, and shall be at least ten hours following an
26 on-duty period of more than eight hours. A railroad worker
27 transportation company shall clearly communicate to a driver
28 when a period of uninterrupted rest is to begin.

29 *b.* A railroad company shall not require a driver to operate
30 a motor vehicle in violation of section 321.449A or this
31 subsection.

32 *c.* For purposes of this subsection, "uninterrupted rest" and
33 "on duty" mean the same as defined in section 321.449A.

34 Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended
35 to read as follows:

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1 6. *Penalty.*

2 a. Violation by the owner of a motor vehicle of this
3 section, a rule adopted under this section, or an order issued
4 under subsection 5, or willful failure to comply with such an
5 order is, upon conviction, subject to a schedule "one" penalty
6 as provided under section 327C.5.

7 b. A violation of subsection 4A or rules adopted pursuant to
8 subsection 4A by a railroad worker transportation company or a
9 railroad corporation is punishable as a schedule "one" penalty
10 under section 327C.5.

11 Sec. 5. Section 805.8A, subsection 13, paragraph b, Code
12 2013, is amended to read as follows:

13 *b.* For a violation under section 321.449~~7~~ or 321.449A, the
14 scheduled fine is fifty dollars.

15	EXPLANATION
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16 This bill provides that a person who drives a motor vehicle
17 transporting railroad workers is subject to hours-of-service
18 restrictions similar to those that apply to commercial vehicle
19 operators.

20 The bill prohibits a driver from driving a motor vehicle
21 for hire, which is designed to transport seven or more persons
22 but fewer than 16 persons including the driver and which is
23 used to transport railroad workers to or from their places
24 of employment or during the course of their employment,
25 for more than 10 hours following eight consecutive hours of
26 uninterrupted rest; prohibits driving such a motor vehicle
27 for any period after having been on duty for 15 hours
28 following eight consecutive hours of uninterrupted rest; and
29 prohibits accepting a call for service during a period of
30 uninterrupted rest. The bill provides a detailed definition
31 of "on duty", which includes all time for which the driver is
32 or is not compensated from the time a driver begins work or
33 is required to be ready to work until the time the driver is
34 relieved from work and all responsibility for performing work.
35 "Uninterrupted rest" means the employer shall not communicate

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1 with the driver in any manner that could reasonably be expected
2 to disrupt the driver's rest.

3 A driver who violates the hours-of-service restrictions
4 commits a simple misdemeanor punishable by a scheduled fine
5 of \$50. This is the same penalty that currently applies for
6 hours-of-service violations by commercial vehicle operators.

7 The bill prohibits a railroad worker transportation company
8 from requiring a driver to operate a motor vehicle in violation
9 of the hours of service requirements established under the
10 bill. A railroad worker transportation company may require a
11 period of uninterrupted rest at any time. The minimum period
12 of uninterrupted rest shall be eight hours, but if the driver
13 has been on duty for more than eight hours, the period of
14 uninterrupted rest shall be at least 10 hours. The company is
15 required to clearly communicate to a driver when a period of
16 uninterrupted rest is to begin.

17 The bill provides that a violation of the provisions of the
18 bill by a railroad worker transportation company or a railroad
19 corporation is a schedule "one" penalty, subject to a fine of
20 \$100 under current law applicable to railroads.



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House File 432 - Introduced

HOUSE FILE 432
BY FISHER and FORBES

A BILL FOR

1 An Act prohibiting the underage sale, consumption, or
2 possession of energy drinks, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 127.1 Definitions.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "Employee" means any employee, contract employee, or
5 agent of a retailer.

6 2. "Energy drink" means a beverage that exceeds a caffeine
7 or other methylxanthine content of ten milligrams per ounce and
8 is classified as a dietary supplement by the federal food and
9 drug administration.

10 3. "Retailer" means a person or business entity engaged in
11 this state in the business of selling energy drinks on a retail
12 basis.

13 Sec. 2. NEW SECTION. 127.2 Energy drinks — persons under
14 legal age.

15 1. A person shall not sell, give, or otherwise supply an
16 energy drink to any person under eighteen years of age.

17 2. A person under eighteen years of age shall not consume or
18 possess with the intent to consume an energy drink.

19 3. Possession of an energy drink by an individual under
20 eighteen years of age does not constitute a violation under
21 this section if the individual under eighteen years of
22 age possesses the energy drink as part of the individual's
23 employment and the individual is employed by a person who
24 offers for sale or sells energy drinks.

25 4. a. A person shall not be guilty of a violation of this
26 section if conduct that would otherwise constitute a violation
27 is performed to assess compliance with this section if any of
28 the following applies:

29 (1) The compliance effort is conducted by or under the
30 supervision of law enforcement officers.

31 (2) The compliance effort is conducted with the advance
32 knowledge of law enforcement officers and reasonable measures
33 are adopted by those conducting the effort to ensure that
34 consumption of energy drinks by individuals under eighteen
35 years of age does not result from participation by any

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1 individual under eighteen years of age in the compliance
2 effort.

3 *b.* For the purposes of this subsection, "*law enforcement*
4 *officer*" means a peace officer as defined in section 801.4 and
5 includes persons designated under section 127.3, subsection 5
6 to enforce this section.

7 Sec. 3. NEW SECTION. 127.3 Penalties.

8 1. A person, other than a retailer or employee of a
9 retailer, who violates section 127.2, subsection 1, commits a
10 simple misdemeanor.

11 2. An employee of a retailer who violates section 127.2,
12 subsection 1, commits a simple misdemeanor punishable as a
13 scheduled violation under section 805.8C, subsection 10,
14 paragraph "*a*".

15 3. A retailer who violates section 127.2, subsection 1, or
16 a retailer whose employee violates section 127.2, subsection 1,
17 shall be assessed a civil penalty upon hearing and notice as
18 provided in subsection 5 as follows:

19 *a.* If the violation is a first offense, the retailer shall
20 be assessed a civil penalty in the amount of three hundred
21 dollars.

22 *b.* If the violation is a second offense, the retailer shall
23 be assessed a civil penalty in the amount of one thousand five
24 hundred dollars.

25 *c.* If the violation is a third offense, the retailer shall
26 be assessed a civil penalty in the amount of one thousand five
27 hundred dollars and may be prohibited from selling energy
28 drinks for a period of up to thirty days.

29 *d.* If the violation is a fourth offense, the retailer shall
30 be assessed a civil penalty in the amount of one thousand five
31 hundred dollars and may be prohibited from selling energy
32 drinks for a period of up to sixty days.

33 *e.* If the violation is a fifth or subsequent offense, the
34 retailer shall be assessed a civil penalty in the amount of
35 one thousand five hundred dollars and shall be prohibited from



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1 selling energy drinks for a period of three years from the date
2 of the assessment of the civil penalty.

3 4. A person who violates section 127.2, subsection 2, is
4 subject to the following, as applicable:

5 a. A civil penalty pursuant to section 805.8C, subsection
6 10, paragraph "b". Notwithstanding section 602.8106 or
7 any other provision to the contrary, any civil penalty paid
8 under this subsection shall be retained by the city or county
9 enforcing the violation.

10 b. If the violation is a first offense, performance of eight
11 hours of community work requirements, unless waived by the
12 court.

13 c. If the violation is a second offense, performance of
14 twelve hours of community work requirements.

15 d. If the violation is a third or subsequent offense,
16 performance of sixteen hours of community work requirements.

17 5. A city or a county may enforce this section. In the
18 event of a violation of subsection 3, a retailer shall be
19 provided an opportunity to be heard upon ten days' written
20 notice by restricted certified mail stating the alleged
21 violation and the time and place at which the retailer may
22 appear and be heard. A city or county taking legal action
23 under this section shall report violations and penalties
24 imposed to the department of public safety within thirty days
25 of the penalty being assessed. A civil penalty assessed
26 against a retailer shall be collected by the clerk of the
27 district court and shall be distributed as provided in section
28 602.8105, subsection 4.

29 Sec. 4. NEW SECTION. 127.4 Seizure of false or altered
30 driver's license or nonoperator's identification card.

31 If a retailer or an employee of a retailer has a reasonable
32 belief based on factual evidence that a driver's license as
33 defined in section 321.1, subsection 20A, or nonoperator's
34 identification card issued pursuant to section 321.190 offered
35 by a person who wishes to purchase an energy drink is altered

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1 or falsified or belongs to another person, the retailer or
2 employee may retain the driver's license or nonoperator's
3 identification card. The provisions of section 453A.4 with
4 regard to the procedures used by permittees under chapter 453A,
5 or employees thereof, for the retention and reporting of false
6 or altered driver's licenses or nonoperator's identification
7 cards shall apply to the retention of a driver's license or
8 nonoperator's identification card pursuant to this section.

9 Sec. 5. Section 602.8105, subsection 4, Code 2013, is
10 amended to read as follows:

11 4. The clerk of the district court shall collect a civil
12 penalty assessed against a retailer pursuant to section 126.23B
13 or section 127.3. Any moneys collected from the civil penalty
14 shall be distributed to the city or county that brought the
15 enforcement action for a violation of section 126.23A or
16 section 127.2.

17 Sec. 6. Section 805.8C, Code 2013, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 10. *Energy drink violations.*

20 a. For violations of section 127.2, subsection 1, by an
21 employee of a retailer, the scheduled fine is as follows:

22 (1) If the violation is a first offense, the scheduled fine
23 is one hundred dollars.

24 (2) If the violation is a second offense, the scheduled fine
25 is two hundred fifty dollars.

26 (3) If the violation is a third or subsequent offense, the
27 scheduled fine is five hundred dollars.

28 b. For violations of section 127.2, subsection 2, the
29 scheduled fine is as follows and is a civil penalty, and the
30 criminal penalty surcharge under section 911.1 shall not be
31 added to the penalty, and the court costs pursuant to section
32 805.9, subsection 6, shall not be imposed:

33 (1) If the violation is a first offense, the scheduled fine
34 is fifty dollars.

35 (2) If the violation is a second offense, the scheduled fine

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1 is one hundred dollars.

2 (3) If the violation is a third or subsequent offense, the
3 scheduled fine is two hundred fifty dollars.

4 EXPLANATION

5 This bill prohibits the sale to, or consumption or
6 possession of energy drinks by, persons under 18 years of
7 age. The bill defines an "energy drink" to mean a beverage
8 that exceeds a caffeine or other methylxanthine content of
9 10 milligrams per ounce and that is classified as a dietary
10 supplement by the federal food and drug administration.

11 The bill provides that a person shall not sell, give,
12 or otherwise supply an energy drink to any person under 18
13 years of age, and that a person under 18 years of age shall
14 not consume or possess with the intent to consume an energy
15 drink. The bill states that possession of an energy drink
16 by an individual under 18 years of age does not constitute
17 a violation if the individual under eighteen years of age
18 possesses the energy drink pursuant to their employment and
19 the individual is employed by a person who offers for sale or
20 sells energy drinks. The bill provides that a person shall
21 not be guilty of a violation if conduct that would otherwise
22 constitute a violation is performed to assess compliance with
23 the bill's provisions.

24 The bill provides that if a person other than a retailer
25 or employee of a retailer sells, gives, or supplies an energy
26 drink to a person under 18, the person is guilty of a simple
27 misdemeanor. A simple misdemeanor is punishable by confinement
28 for no more than 30 days or a fine of at least \$65 but not more
29 than \$625 or by both. The bill provides that such actions
30 by an employee of a retailer constitute a simple misdemeanor
31 punishable by a scheduled fine of \$100 for a first offense,
32 \$250 for a second offense, and \$500 for a third or subsequent
33 offense. The bill provides that a retailer who engages in such
34 actions, or whose employee engages in such actions, shall be
35 subject to a civil penalty of \$300 for a first offense, \$1,500

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1 for a second offense, \$1,500 and a prohibition from selling
2 energy drinks for up to 30 days for a third offense, \$1,500
3 and a prohibition from selling energy drinks for up to 60 days
4 for a fourth offense, and \$1,500 and a mandatory prohibition
5 from selling energy drinks for three years following the date
6 of assessment of the civil penalty for a fifth or subsequent
7 offense.

8 The bill provides that if a person under 18 years of age
9 possesses or consumes an energy drink, they are subject to a
10 scheduled violation civil penalty of \$50 for a first offense,
11 \$100 for a second offense, and \$250 for a third or subsequent
12 offense. The person shall also be subject to eight hours of
13 community work requirements unless waived by the court for a
14 first offense, 12 hours for a second offense, and 16 hours for
15 a third or subsequent offense.

16 The bill authorizes a city or county to enforce the bill's
17 provisions, and directs a city or county to report violations
18 and penalties to the department of public safety within 30 days
19 of the penalty being assessed. With regard to violations by
20 a retailer or a retailer whose employee commits a violation,
21 the bill specifies that the retailer shall be provided an
22 opportunity to be heard upon 10 days' written notice by
23 restricted certified mail stating the alleged violation and the
24 time and place at which the retailer may appear and be heard.
25 The bill specifies that civil penalties assessed against a
26 retailer shall be collected by the clerk of the district
27 court and distributed to the city or county that brought the
28 enforcement action.

29 Additionally, the bill specifies procedures for the
30 retention of a driver's license or nonoperator's identification
31 card by a retailer or an employee of a retailer if they have a
32 reasonable belief based on factual evidence that the license or
33 card offered by a person who wishes to purchase an energy drink
34 is altered or falsified or belongs to another person.



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House File 433 - Introduced

HOUSE FILE 433
BY JACOBY

A BILL FOR

1 An Act providing for a linked investment loans for emerging
2 businesses program administered by the economic development
3 authority.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 15.335B, subsection 2, paragraph a, Code
2 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (7) For providing linked investment
4 loans pursuant to section 15E.84.
5 Sec. 2. NEW SECTION. 15E.81 Short title.
6 This division shall be known as and may be cited as the
7 "*Linked Investment Loans for Emerging Businesses Act*".
8 Sec. 3. NEW SECTION. 15E.82 Definitions.
9 For purposes of this division, unless the context otherwise
10 requires:
11 1. "*Authority*" means the economic development authority.
12 2. "*Eligible borrower*" means a business meeting the
13 requirements of section 15E.83.
14 3. "*Eligible lending institution*" means a financial
15 institution empowered to make commercial loans and eligible to
16 be a depository of state funds pursuant to chapter 12C.
17 4. "*Emerging business*" means a business in existence less
18 than five years.
19 5. "*Fund*" means a fund established by the authority pursuant
20 to section 15.106A, subsection 1, paragraph "o", for the
21 purposes described in section 15.335B.
22 6. "*Linked investment*" means an agreement between the
23 authority and an eligible lending institution in which the
24 authority obtains a certificate of deposit from the lending
25 institution and in which the eligible lending institution
26 agrees to loan to an eligible borrower an amount at least equal
27 to the amount of the principal specified in the certificate of
28 deposit.
29 7. "*Primary sector business*" means a business participating
30 in interstate or intrastate commerce and engaged in
31 manufacturing, processing, or assembling products, conducting
32 research and development, or providing services in interstate
33 or intrastate commerce. "*Primary sector business*" does not
34 include retail, health, or professional services businesses.
35 8. "*Program*" means the linked investment loans for emerging

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1 businesses program established in section 15E.84.

2 9. *"Qualifying wage threshold"* means the same as defined in
3 section 15.327.

4 Sec. 4. NEW SECTION. 15E.83 **Eligible borrowers.**

5 1. A business meeting the requirements of this section is
6 eligible to apply for the linked investment loans for emerging
7 businesses program established in section 15E.84.

8 2. To be eligible, a business must meet all of the following
9 requirements:

10 a. The business is an Iowa-based primary sector business.

11 b. The business is an emerging business seeking to
12 expand, an emerging business seeking to purchase another
13 Iowa-based business, or any existing business that has suffered
14 significant physical damage as a result of a natural disaster.

15 c. The business can demonstrate that the proceeds of a
16 linked investment loan will result in the creation or retention
17 of five or more jobs at one hundred eighty percent of the
18 qualifying wage threshold, ten or more jobs at one hundred
19 sixty percent of the qualifying wage threshold, or twenty or
20 more jobs at one hundred thirty percent of the qualifying wage
21 threshold.

22 Sec. 5. NEW SECTION. 15E.84 **Linked investment loans for**
23 **emerging businesses program.**

24 1. *Program established.*

25 a. The authority shall establish and administer a linked
26 investment loans for emerging businesses program for purposes
27 of investing moneys in financial institutions in order to
28 facilitate the flow of private capital to eligible borrowers.

29 b. In investing moneys under the program, the authority
30 shall invest in certificates of deposit at eligible lending
31 institutions. The authority may invest as much as twenty-five
32 percent of the balance of moneys in the fund.

33 c. The authority may obtain or renew a certificate of
34 deposit from an eligible lending institution for an amount of
35 time determined by the authority, but the total amount of time

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1 a certificate may be held by an eligible lending institution
2 shall not exceed five years.

3 *d.* Interest earned under the program shall be considered
4 earnings of the fund and notwithstanding section 12C.7 shall
5 be credited to the fund.

6 *e.* A loan provided to an eligible borrower through a
7 linked investment pursuant to this division does not receive
8 assistance for purposes of sections 15.329, 15.330, 15.330A,
9 and 15.335B and is not subject to the requirements specified
10 in those sections.

11 *2. Application and certification.*

12 *a.* An eligible lending institution wishing to participate in
13 the program shall accept and review applications for loans from
14 eligible borrowers.

15 *b.* The eligible lending institution shall certify that the
16 applicant is an eligible borrower under the program, determine
17 whether to make a loan to the applicant, and, if so, the amount
18 of the loan.

19 *3. Loan packages.*

20 *a.* An eligible lending institution wishing to accept
21 a linked investment from the authority shall send to the
22 authority a loan package.

23 *b.* The loan package shall include but not be limited to the
24 amount of the loan requested by the applicant, the amount of
25 the investment requested by the eligible lending institution
26 from the authority, a plan detailing the purposes for which
27 the applicant intends to expend the loan proceeds, an estimate
28 of the economic impact to the state of the applicant's plan
29 for the proceeds, and a certification by the eligible lending
30 institution that the applicant is an eligible borrower pursuant
31 to section 15E.83.

32 *4. Linked investment terms.*

33 *a.* The authority shall accept and review loan packages sent
34 by eligible lending institutions. The authority, subject to
35 the requirements of this division, may make a linked investment

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1 according to the terms requested in the loan package or may
2 negotiate other terms.

3 *b.* In reviewing a loan package as a potential linked
4 investment, the authority shall consider the type or terms of
5 the loan involved, the nature of the applicant's business, the
6 availability of state funds, and the compliance history of both
7 the eligible borrower and the eligible lending institution.

8 *c.* Upon reaching acceptable terms for the linked
9 investment, the authority shall deposit with the eligible
10 lending institution moneys from the fund, and the eligible
11 lending institution shall issue to the authority one or more
12 certificates of deposit.

13 *d.* The interest rate of a certificate of deposit may
14 be negotiated by the authority and the eligible lending
15 institution but shall be at a rate below the current market
16 rate. However, the authority shall not negotiate an annualized
17 interest rate on the certificate of deposit that is less than
18 one-half of one percent.

19 *e.* The eligible lending institution shall remit the interest
20 earned on the certificate of deposit and any principal not
21 renewed on the date the certificate of deposit matures.

22 *f.* Certificates of deposit issued pursuant to this division
23 shall not be subject to a penalty for early withdrawal.

24 5. *Loan terms.* An eligible lending institution accepting
25 a linked investment shall make a loan to the applicant for an
26 amount at least equal to the value of the moneys deposited by
27 the authority. The loan shall be at an interest rate not more
28 than four percent above the interest rate of the certificate
29 of deposit.

30 Sec. 6. NEW SECTION. 15E.85 **Liability.**

31 1. Neither the state nor the authority shall be liable to
32 an eligible lending institution in any manner for payment of
33 the principal or interest on the loan from an eligible lending
34 institution to an eligible borrower.

35 2. In making linked investments with eligible lending

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ad/sc

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1 institutions for loans to eligible borrowers, the authority
2 shall not pledge the credit or taxing power of the state nor
3 in any manner give or loan the state's credit in aid of the
4 eligible borrower.

5 3. In making linked investments with eligible lending
6 institutions for loans to eligible borrowers, the authority
7 shall not pay, assume, or become responsible for the debts or
8 liabilities of the eligible borrower.

9 4. A delay in payments by an eligible borrower to an
10 eligible lending institution or a default on the part of an
11 eligible borrower shall not in any manner affect the linked
12 investment agreement between the eligible lending institution
13 and the authority.

14 Sec. 7. NEW SECTION. 15E.86 Rules.

15 The authority shall adopt rules pursuant to chapter 17A to
16 administer this division. The rules shall provide for the
17 administration of the program and for monitoring the compliance
18 of eligible lending institutions and eligible borrowers with
19 the requirements of this division.

20 EXPLANATION

21 This bill creates a linked investment loans for emerging
22 businesses program.

23 Under the program created in the bill, an eligible business
24 applies to an eligible lending institution for a loan, and the
25 lending institution seeks a linked investment from the economic
26 development authority. Moneys invested by the authority come
27 from the high quality jobs fund or funds.

28 An eligible lending institution is a financial institution
29 empowered to make commercial loans and eligible to be a
30 depository of state funds pursuant to Code chapter 12C. An
31 eligible borrower is a business that is: (1) an Iowa-based
32 primary sector business; (2) an emerging business seeking
33 to expand, an emerging business seeking to purchase another
34 Iowa-based business, or any existing business that has suffered
35 significant physical damage as a result of a natural disaster;

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1 and (3) a business that can demonstrate that the proceeds of a
2 linked investment loan will result in the creation or retention
3 of five or more jobs at 180 percent of the qualifying wage
4 threshold, 10 or more jobs at 160 percent of the qualifying
5 wage threshold, or 20 or more jobs at 130 percent of the
6 qualifying wage threshold.

7 If a lending institution wishes to receive a linked
8 investment, the lending institution must send a loan package
9 to the authority for review. The authority may negotiate the
10 terms of the linked investment and accept a certificate of
11 deposit from the lending institution. The lending institution
12 must agree to loan an amount at least equal to the value of
13 the certificate of deposit to the eligible borrower. The
14 annualized interest rate on the certificate of deposit is
15 negotiable but cannot be less than one-half of 1 percent.
16 The loan to the eligible borrower cannot be at a rate of
17 interest more than 4 percent above the rate of the authority's
18 certificate of deposit.

19 The linked investments do not constitute the payment of a
20 business debt by the state nor do they pledge the credit or
21 taxing power of the state.

22 The authority is directed to adopt rules for the
23 administration of the program.



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House File 434 - Introduced

HOUSE FILE 434
BY JACOBY

A BILL FOR

1 An Act relating to school district funding by establishing the
2 state percent of growth and the categorical state percent of
3 growth for purposes of the state school foundation program,
4 providing for supplementary weighting for certain science,
5 technology, engineering, and mathematics programs, and
6 including effective date and applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2040YH (4) 85
md/sc



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DIVISION I

STATE PERCENTS OF GROWTH

Section 1. Section 257.8, subsections 1 and 2, Code 2013,
are amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2010, is two percent.~~
The state percent of growth for the budget year beginning July 1, 2012, is two percent. The state percent of growth for the budget year beginning July 1, 2013, is four percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the state percent of growth for a budget year shall be the only subject matter of the bill which enacts the state percent of growth for a budget year.

2. *Categorical state percent of growth.* ~~The categorical state percent of growth for the budget year beginning July 1, 2010, is two percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2012, is two percent. The categorical state percent of growth for the budget year beginning July 1, 2013, is four percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the submission in the year preceding the base year of the governor's budget under section 8.21. The establishment of the categorical state percent of growth for a budget year shall be the only subject matter of the bill which enacts the categorical state percent of growth for a budget year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, and the early intervention supplement.

Sec. 2. CODE SECTION 257.8 — IMPLEMENTATION. The requirements of section 257.8, subsections 1 and 2, regarding the subject matter limitations of a bill establishing the state

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1 percent of growth or the categorical state percent of growth
2 and regarding the enactment of a bill establishing the state
3 percent of growth or the categorical state percent of growth
4 within thirty days of the submission in the year preceding
5 the base year of the governor's budget do not apply to this
6 division of this Act.

7 Sec. 3. EFFECTIVE UPON ENACTMENT. This division of this
8 Act, being deemed of immediate importance, takes effect upon
9 enactment.

10 Sec. 4. APPLICABILITY. This division of this Act is
11 applicable for computing state aid under the state school
12 foundation program for the school budget year beginning July
13 1, 2013.

14 DIVISION II

15 STEM SUPPLEMENTARY WEIGHTING

16 Sec. 5. Section 257.11, Code 2013, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 7A. *Science, technology, engineering, and*
19 *mathematics collaborative initiative.*

20 *a.* In order to provide additional funding to increase
21 student opportunities for participation in programs through the
22 science, technology, engineering, and mathematics collaborative
23 initiative established under section 268.7, a supplementary
24 weighting plan is adopted.

25 *b.* A supplementary weighting amount per pupil as determined
26 under paragraph "c" shall be assigned to each pupil of a school
27 district participating in a school district program selected by
28 the collaborative initiative. A pupil participating in more
29 than one school district program during a school year selected
30 by the collaborative initiative shall be considered one pupil.

31 *c.* The department of management shall annually calculate a
32 supplementary weighting amount per pupil for each pupil meeting
33 the requirement of paragraph "b" to generate for each budget
34 year a total amount for all school districts in the state equal
35 to thirty-five million dollars.



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1 Sec. 6. APPLICABILITY. This division of this Act applies to
2 school budget years beginning on or after July 1, 2014.

3 EXPLANATION

4 This bill relates to school district funding by establishing
5 state percents of growth and by establishing supplementary
6 weighting for certain science, technology, engineering, and
7 mathematics programs.

8 Division I of the bill establishes a state percent of growth
9 of 4 percent for purposes of the state school foundation
10 program for the school budget year beginning July 1, 2013.

11 Division I of the bill establishes a categorical state percent
12 of growth of 4 percent for purposes of the state school
13 foundation program for the school budget year beginning July
14 1, 2013. The categorical state percent of growth includes
15 the teacher salary supplement, the professional development
16 supplement, and the early intervention supplement. Division I
17 of the bill takes effect upon enactment and is applicable for
18 computing state aid under the state school foundation program
19 for the school budget year beginning July 1, 2013.

20 Division I of the bill provides that the requirements of Code
21 section 257.8 regarding the subject matter of a bill and the
22 timing of enactment of a bill establishing the state percent of
23 growth and the categorical state percent of growth do not apply
24 to division I of the bill.

25 Division II establishes a supplementary weighting plan to
26 provide additional funding to increase student opportunities
27 for participation in programs through the science, technology,
28 engineering, and mathematics (STEM) collaborative initiative
29 established under Code section 268.7. Under division II of the
30 bill, a supplementary weighting amount per pupil is assigned
31 to each pupil of a school district participating in a school
32 district program selected by the STEM collaborative initiative.
33 A pupil participating in more than one school district program
34 during a school year selected by the STEM collaborative
35 initiative shall be considered one pupil.



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1 Division II requires the department of management to
2 annually calculate a supplementary weighting amount per pupil
3 for each pupil meeting the requirements for the supplementary
4 weighting to generate for each budget year a total amount for
5 all school districts in the state equal to \$35 million.
6 Division II of the bill applies to school budget years
7 beginning on or after July 1, 2014.



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House File 435 - Introduced

HOUSE FILE 435
BY JACOBY

A BILL FOR

1 An Act making appropriations to the state board of regents for
2 establishing postsecondary educational programs to meet the
3 challenges of a globally competitive economy.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1736HH (3) 85
kh/rj



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H.F. 435

1 Section 1. There is appropriated from the general fund of
2 the state to the state board of regents for the fiscal year
3 beginning July 1, 2013, and ending June 30, 2014, the following
4 amounts, or so much thereof as may be necessary, to be used for
5 the purposes designated:

6 1. STATE UNIVERSITY OF IOWA

7 For purposes of establishing a program that provides
8 postsecondary educational opportunities to meet the challenges
9 of a globally competitive economy:

10 \$ 20,000,000

11 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

12 For purposes of establishing a program that provides
13 postsecondary educational opportunities to meet the challenges
14 of a globally competitive economy:

15 \$ 18,000,000

16 3. UNIVERSITY OF NORTHERN IOWA

17 For purposes of establishing a program that provides
18 postsecondary educational opportunities to meet the challenges
19 of a globally competitive economy:

20 \$ 10,000,000

21 EXPLANATION

22 This bill appropriates \$48 million from the general fund
23 of the state for FY 2013-2014 to the state board of regents
24 for allocation to the regents universities to enable the
25 universities to establish programs that provide postsecondary
26 educational opportunities to meet the challenges of a globally
27 competitive economy.



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House File 436 - Introduced

HOUSE FILE 436
BY HALL

A BILL FOR

1 An Act providing for a study and report on establishing an
2 additional regents institution or a regents outpost.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2405YH (1) 85
je/nh



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H.F. 436

1 Section 1. ADDITIONAL REGENTS INSTITUTION OR OUTPOST —
2 STUDY AND REPORT.

3 1. The board of regents, in consultation with the
4 department of education and other stakeholders, shall conduct a
5 feasibility study regarding the establishment of an additional
6 institution of higher education or a regents outpost to be
7 jointly utilized by existing institutions of higher education,
8 to be governed by the board. The study shall consider how
9 greater geographic balance in access to postsecondary education
10 in this state can best be achieved and how unmet regional needs
11 regarding course offerings in postsecondary education in this
12 state can best be served.

13 2. The board shall submit a report on its findings and
14 recommendations to the general assembly by December 19, 2014.
15 The report shall include recommendations for possible locations
16 for an additional institution of higher education or a regents
17 outpost that would best achieve greater geographic balance in
18 access to postsecondary education in this state. The report
19 shall also include recommendations for course offerings which
20 would best allow an additional institution of higher education
21 or a regents outpost to serve unmet regional needs in this
22 state.

23 EXPLANATION

24 This bill directs the board of regents, in consultation with
25 the department of education and other stakeholders, to conduct
26 a feasibility study regarding establishment of an additional
27 institution of higher education or a regents outpost to be
28 jointly utilized by existing institutions of higher education.
29 The institution or outpost would be governed by the board.
30 The study shall consider how greater geographic balance in
31 access to postsecondary education in Iowa can best be achieved
32 and how unmet regional needs regarding course offerings in
33 postsecondary education in Iowa can best be served.

34 The bill directs the board to report on its findings and
35 recommendations to the general assembly by December 19, 2014.

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1 The report shall include recommendations for possible locations
2 for an additional institution of higher education or a regents
3 outpost that would best achieve greater geographic balance in
4 access to postsecondary education in Iowa. The report shall
5 also include recommendations for course offerings which would
6 best allow an additional institution of higher education or a
7 regents outpost to serve unmet regional needs in Iowa.



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House File 437 - Introduced

HOUSE FILE 437

BY ABDUL-SAMAD, STECKMAN, and
KAJTAZOVIC

A BILL FOR

1 An Act establishing a world language education pilot project to
2 be administered by the department of education and making an
3 appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2326HH (4) 85
je/nh



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H.F. 437

1 Section 1. NEW SECTION. 256.34 World language education
2 pilot project.

3 1. The department shall establish a world language
4 education pilot project to enhance foreign language education
5 in Iowa schools. The department shall administer the pilot
6 project in partnership with the university of northern Iowa
7 and three school districts. One school district shall have an
8 enrollment greater than thirty thousand students, one school
9 district shall have boundaries which are partially or wholly
10 contained in Blackhawk county with an enrollment greater
11 than four thousand but less than six thousand students, and
12 one school district shall have an enrollment less than four
13 thousand students as of October 1, 2013.

14 2. The department shall establish a world language
15 education administrative team to be composed of school
16 administrators from school districts participating in the pilot
17 project. Team members shall conduct fact finding visits to
18 schools in the United States and at least one foreign school
19 that exemplify best practices for world class foreign language
20 education delivery models. Team members shall work with the
21 department and university of northern Iowa to develop standards
22 and benchmarks based on the latest edition of the national
23 standards for foreign language learning, to develop a written
24 and verbal assessment system that measures foreign language
25 competencies, and to support participating school districts in
26 the development of curricula based on the latest edition of the
27 national standards for foreign language learning.

28 3. Each school district participating in the pilot project,
29 in coordination with the department, shall compare on an annual
30 basis its results under the pilot project with state data
31 to determine the outcomes of the pilot project for student
32 learning.

33 4. The world language education administrative team, in
34 coordination with the department and the university of northern
35 Iowa, shall submit its findings and recommendations regarding

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1 the pilot project and foreign language education in this state
2 in a report to the general assembly by December 19, 2014.

3 Sec. 2. APPROPRIATION. There is appropriated from the
4 general fund of the state to the department of education for
5 the fiscal year beginning July 1, 2013, and ending June 30,
6 2014, the following amount, or so much thereof as is necessary,
7 to be used for the purpose designated:

8 For implementation of the world language education pilot
9 project:

10 \$ 350,000

11 EXPLANATION

12 This bill directs the department to establish a world
13 language education pilot project to enhance foreign language
14 education in Iowa schools. The department shall administer the
15 pilot project in partnership with the university of northern
16 Iowa and three school districts. One school district shall
17 have an enrollment greater than 30,000 students, one school
18 district shall have boundaries which are partially or wholly
19 contained in Blackhawk county with an enrollment greater than
20 4,000 but less than 6,000 students, and one school district
21 shall have an enrollment less than 4,000 students as of October
22 1, 2013.

23 The bill directs the department to establish a world
24 language education administrative team to be composed of school
25 administrators from school districts participating in the
26 pilot project and provides duties for the team, including fact
27 finding visits; development of new standards and benchmarks,
28 an assessment system, and curricula; and a report on the pilot
29 project and foreign language education in this state for
30 submission to the general assembly by December 19, 2014.

31 The bill directs participating school districts to compare
32 on an annual basis results under the pilot project with state
33 data to determine the outcomes of the pilot project.

34 The bill appropriates \$350,000 to the department of
35 education for fiscal year 2013-2014 for implementation of the

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1 world language education pilot project.



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House File 438 - Introduced

HOUSE FILE 438
BY ABDUL-SAMAD and GAINES

A BILL FOR

1 An Act relating to school resource officers and private
2 security staff.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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je/nh



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H.F. 438

1 Section 1. Section 232.69, subsection 1, paragraph b,
2 subparagraph (4), Code 2013, is amended to read as follows:
3 (4) A licensed school employee, certified para-educator,
4 holder of a coaching authorization issued under section 272.31,
5 a school resource officer or an individual who performs private
6 security duties on school district grounds as an employee of
7 or under contract with a school district under section 279.8,
8 subsection 5, or an instructor employed by a community college.

9 Sec. 2. Section 279.8, Code 2013, is amended to read as
10 follows:

11 **279.8 General rules — bonds of employees.**

12 1. The board shall make rules for its own government and
13 that of the directors, officers, employees, teachers and
14 pupils, and for the care of the schoolhouse, grounds, and
15 property of the school corporation, and shall aid in the
16 enforcement of the rules, and require the performance of duties
17 imposed by law and the rules.

18 2. The board shall include in its rules provisions
19 regulating the loading and unloading of pupils from a school
20 bus stopped on the highway during a period of reduced highway
21 visibility caused by fog, snow or other weather conditions.

22 3. The board shall have the authority to include in its
23 rules provisions allowing school corporation employees to
24 use school credit cards to pay for the actual and necessary
25 expenses incurred in the performance of work-related duties.

26 4. Employees of a school corporation maintaining a
27 high school who have the custody of funds belonging to the
28 corporation or funds derived from extracurricular activities
29 and other sources in the conduct of their duties, shall be
30 required to furnish suitable bond indemnifying the corporation
31 or any activity group connected with the school against loss,
32 and employees who have the custody of property belonging to the
33 corporation or any activity group connected with the school may
34 be required to furnish such bond. Said bond or bonds may be in
35 such form and penalty as the board may approve and the premiums

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1 on same shall be paid from the general fund of the corporation.
2 5. a. A school district shall not employ or contract for
3 the services of an individual as a school resource officer
4 or to perform private security duties on school district
5 grounds if the individual has not, at a minimum, met all of the
6 following requirements:

7 (1) Successfully completed training that includes but
8 is not limited to de-escalation techniques, anger management
9 techniques, civil rights and unfair or discriminatory practices
10 awareness, recognition of fake or altered identification, and
11 cultural diversity training.

12 (2) Satisfied the training requirements of section 232.69.
13 b. This subsection applies only to individuals whose duties
14 occur during the school day or whose duties otherwise require
15 interaction with students.

16 EXPLANATION

17 This bill provides that a school district cannot employ or
18 contract for the services of an individual as a school resource
19 officer or to perform private security duties on school
20 district grounds if the individual has not, at a minimum,
21 met certain training requirements. The individual must
22 successfully complete training that includes but is not limited
23 to de-escalation techniques, anger management techniques,
24 civil rights and unfair or discriminatory practices awareness,
25 recognition of fake or altered identification, cultural
26 diversity training, and training relating to the identification
27 and reporting of child abuse.

28 The bill also provides that school resource officers and
29 individuals who perform private security duties on school
30 district grounds are mandatory reporters of child abuse under
31 Code section 232.69.

32 The bill applies only to individuals whose duties occur
33 during the school day or whose duties otherwise require
34 interaction with students.



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House File 439 - Introduced

HOUSE FILE 439
BY MURPHY

A BILL FOR

1 An Act relating to an appropriation to the judicial branch to
2 achieve compliance with reporting requirements relating to
3 mental health commitments or adjudications.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1591YH (8) 85
rh/rj



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H.F. 439

1 Section 1. JUDICIAL BRANCH APPROPRIATION — REPORTING
2 REQUIREMENT COMPLIANCE — FIREARM DISABILITIES DUE TO MENTAL
3 HEALTH COMMITMENTS OR ADJUDICATIONS.

4 There is appropriated from the general fund of the state
5 to the judicial branch for the fiscal year beginning July 1,
6 2013, and ending June 30, 2014, the following amount, or so
7 much thereof as is necessary, to be used for the purposes
8 designated:

9 To the state court administrator to achieve compliance
10 with the reporting requirements in 2011 Iowa Acts, chapter
11 72, section 2, relating to orders or judgments issued prior
12 to April 19, 2011, for persons who are subject to firearm
13 disabilities due to mental health commitments or adjudications:
14 \$ 356,423

15 EXPLANATION

16 This bill appropriates \$356,423 from the general fund of the
17 state to the judicial branch for FY 2013-2014 to achieve
18 compliance with the reporting requirements in 2011 Iowa Acts,
19 chapter 72 (SF 456), relating to orders or judgments issued
20 prior to April 19, 2011, for persons who are subject to firearm
21 disabilities due to mental health commitments or adjudications.



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House File 440 - Introduced

HOUSE FILE 440
BY ALONS, SHEETS, BACON,
HIGHFILL, SHAW, and SCHULTZ

A BILL FOR

1 An Act relating to the state individual income tax by modifying
2 the personal exemption credit for dependents to include
3 certain unborn children, increasing the amount of the
4 credit, and including effective date and retroactive
5 applicability provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1373YH (3) 85
mm/sc



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1 Section 1. Section 96.3, subsection 4, Code 2013, is amended
2 to read as follows:

3 4. *Determination of benefits.* With respect to benefit years
4 beginning on or after July 1, 1983, an eligible individual's
5 weekly benefit amount for a week of total unemployment shall be
6 an amount equal to the following fractions of the individual's
7 total wages in insured work paid during that quarter of
8 the individual's base period in which such total wages were
9 highest; the director shall determine annually a maximum weekly
10 benefit amount equal to the following percentages, to vary with
11 the number of dependents, of the statewide average weekly wage
12 paid to employees in insured work which shall be effective the
13 first day of the first full week in July:

14 If the	The weekly	Subject to
15 number of	benefit amount	the following
16 dependents	shall equal	maximum
17 is:	the following	percentage of
18	fraction of high	the statewide
19	quarter wages:	average
20		weekly wage:
21 0	1/23	53%
22 1	1/22	55%
23 2	1/21	57%
24 3	1/20	60%
25 4 or more	1/19	65%

26 The maximum weekly benefit amount, if not a multiple of one
27 dollar, shall be rounded to the lower multiple of one dollar.
28 However, until such time as sixty-five percent of the statewide
29 average weekly wage exceeds one hundred ninety dollars, the
30 maximum weekly benefit amounts shall be determined using the
31 statewide average weekly wage computed on the basis of wages
32 reported for calendar year 1981. As used in this section
33 ~~"dependent" means dependent as defined in section 422.12,~~
34 ~~subsection 1, paragraph "a" has the same meaning as provided by~~
35 the Internal Revenue Code, as if the individual claimant was

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1 a taxpayer, except that an individual claimant's nonworking
2 spouse shall be deemed to be a dependent under this section.
3 "Nonworking spouse" means a spouse who does not earn more than
4 one hundred twenty dollars in gross wages in one week.

5 Sec. 2. Section 422.12, subsection 1, paragraph a, Code
6 2013, is amended to read as follows:

7 a. "Dependent" has the same meaning as provided by the
8 Internal Revenue Code, but also includes a fetus that has, as
9 determined by a physician, completed at least twelve weeks of
10 gestation as of the last day of the tax year and that has been
11 under the care and observation of a physician since at least
12 twelve weeks of gestation.

13 Sec. 3. Section 422.12, subsection 1, Code 2013, is amended
14 by adding the following new paragraphs:

15 NEW PARAGRAPH. 0c. "Fetus" means a human fetus.

16 NEW PARAGRAPH. 00c. "Physician" means a person licensed
17 to practice medicine and surgery, or osteopathic medicine and
18 surgery, under the laws of this state or any other state.

19 Sec. 4. Section 422.12, subsection 2, paragraph a,
20 subparagraph (3), Code 2013, is amended to read as follows:

21 (3) For each dependent, an additional ~~forty~~ eighty dollars.

22 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 Sec. 6. RETROACTIVE APPLICABILITY. This Act applies
25 retroactively to January 1, 2013, for tax years beginning on
26 or after that date.

27 EXPLANATION

28 This bill relates to the individual income tax by amending
29 the personal exemption credit for dependents available under
30 Code section 422.12 to include a fetus that meets certain
31 requirements. To qualify as a dependent for purposes of the
32 exemption credit, a fetus must have completed at least 12
33 weeks of gestation as of the last day of the tax year, as
34 determined by a physician, and must have been under the care
35 and observation of a physician since at least 12 weeks of

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1 gestation. Both "fetus" and "physician" are defined in the
2 bill.

3 The bill increases the amount of the credit from \$40 to \$80
4 per dependent. The bill makes a conforming amendment to the
5 definition of "dependent" in Code section 96.3 to prevent a
6 fetus from being included in the definition for purposes of
7 calculating unemployment compensation benefits.

8 The bill takes effect upon enactment and applies
9 retroactively to January 1, 2013, for tax years beginning on
10 or after that date.



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House File 441 - Introduced

HOUSE FILE 441

BY M. SMITH, ANDERSON, JACOBY,
STUTSMAN, H. MILLER,
THEDE, HANSON, KAJTAZOVIC,
BERRY, KRESSIG, HEDDENS,
T. TAYLOR, GASKILL,
MASCHER, LENSING, GAINES,
STAED, PRICHARD, DAWSON,
KELLEY, FORBES, RIDING,
OLDSON, WOOD, MUHLBAUER,
THOMAS, RUFF, MURPHY,
OURTH, and BEARINGER

A BILL FOR

1 An Act creating a licensed social worker loan repayment program
2 and revolving fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1987HH (5) 85
jr/nh



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1 Section 1. NEW SECTION. 261.115 Licensed social worker loan
2 repayment program — definitions.

3 1. A licensed social worker loan repayment program is
4 established, to be administered by the college student aid
5 commission for the purpose of increasing the number of social
6 workers serving in critical human service areas.

7 2. For purposes of this division:

8 a. "*Critical human service area*" includes but is not limited
9 to an area of the state with a shortage of social workers
10 providing health, mental health, substance abuse, aging,
11 HIV/AIDS, victim, or child welfare services, or communities
12 with multilingual needs. A critical human service area shall
13 be an area designated as a mental health professional shortage
14 area by the United States department of health and human
15 services health resources and services administration.
16 b. "*Licensed social worker*" means an individual holding a
17 license issued under chapter 154C who is employed in a critical
18 human service area.

19 Sec. 2. NEW SECTION. 261.116 Licensed social worker loan
20 repayment revolving fund.

21 1. a. A licensed social worker loan repayment revolving
22 fund is created in the state treasury as a separate fund under
23 the control of the commission. The commission shall deposit
24 moneys appropriated for purposes of the licensed social worker
25 loan repayment program, moneys repaid by loan repayment award
26 recipients who fail to meet the service area requirements, and
27 any other moneys obtained or accepted by the commission for
28 deposit into the fund.

29 b. Moneys in the fund shall be used for purposes of the
30 licensed social worker loan repayment program. Notwithstanding
31 section 8.33, moneys deposited in the fund shall not revert
32 to any fund of the state at the end of any fiscal year but
33 shall remain in the fund and be continuously available for the
34 program.

35 2. Notwithstanding section 12C.7, subsection 2, interest

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1 or earnings on moneys deposited in the fund shall be credited
2 to the fund.

3 Sec. 3. NEW SECTION. 261.117 **Loan payment awards.**

4 1. Each applicant for loan repayment shall, in accordance
5 with the rules of the commission, do the following:

6 a. Complete and file an application for licensed social
7 worker loan repayment. The individual shall be responsible
8 for the prompt submission of any information required by the
9 commission.

10 b. File a new application and submit information as
11 required by the commission annually on the basis of which the
12 applicant's eligibility for the renewed loan repayment will be
13 evaluated and determined.

14 c. Complete and return on a form approved by the commission
15 an affidavit of practice verifying that the applicant is a
16 licensed social worker in a critical human service area.

17 2. Loan repayment awards shall be made annually to
18 applicants in the following order of priority:

19 a. Applicants who have received payment of an award pursuant
20 to this section in a prior year and who have provided social
21 work services in a critical human service area in the year
22 prior to such application.

23 b. Applicants who have not received payment of an award
24 pursuant to this section in a prior year and who have provided
25 social work services in a critical human service area in the
26 year prior to such application.

27 c. Applicants from underrepresented racial, cultural, and
28 ethnic groups and individuals with disabilities.

29 3. The contract for the loan repayment shall stipulate the
30 time period the licensed social worker shall practice in a
31 critical human service area. In addition, the contract shall
32 stipulate that the licensed social worker shall repay any funds
33 paid on the person's loan by the commission if the person fails
34 to practice in a critical human service area for the required
35 period of time.

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1 4. *a.* The annual amount of a licensed social worker loan
2 repayment award shall be six thousand five hundred dollars or
3 twenty percent of the licensed social worker's total federally
4 guaranteed Stafford loan amount under the federal family
5 education loan program or the federal direct loan program,
6 including principal and interest, whichever amount is less. A
7 recipient shall not receive loan repayment that exceeds the
8 total remaining balance of the recipient's student loan debt or
9 twenty-five thousand dollars, whichever is less.
10 *b.* Awards shall be within the amounts appropriated for such
11 purpose and shall be based on the availability of funds.
12 5. The commission shall adopt rules pursuant to chapter 17A
13 to administer this division.

14 EXPLANATION

15 This bill creates a licensed social worker loan repayment
16 program administered by the college student aid commission.
17 Applicants for the program must enter into an agreement with
18 the commission, agreeing to work for a specific period of time
19 in a "critical human service area", defined as a geographic
20 area in Iowa with a shortage of social workers in health,
21 mental health, substance abuse, aging, HIV/AIDS, victim, or
22 child welfare concerns, or communities with multilingual needs.

23 The program provides a specific annual benefit, up to
24 \$6,500, for licensed social workers who have worked in a
25 critical human service area in the previous year. No recipient
26 shall receive loan repayment that exceeds the total remaining
27 balance of the student loan debt and no recipient shall receive
28 cumulative awards in excess of \$25,000.

29 The program is funded by a special revolving fund in
30 the state treasury, controlled by the college student aid
31 commission. The fund consists of moneys appropriated for
32 purposes of the program, repayments by participants who fail
33 to meet the service area requirements, and any other available
34 moneys. Moneys deposited in the fund do not revert to any
35 other fund at the end of any fiscal year but shall remain in the

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1 fund and be continuously available for the program. Interest
2 or earnings on moneys deposited in the fund shall also be
3 credited to the fund.



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House File 442 - Introduced

HOUSE FILE 442
BY SALMON

A BILL FOR

1 An Act requiring a Lyme disease testing information disclosure.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2437HH (5) 85
jr/nh



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1 Section 1. NEW SECTION. 139A.27 Lyme disease testing
2 information disclosure.

3 1. A health care provider who orders a laboratory test
4 for the presence of Lyme disease shall provide to the patient
5 or the patient's legal representative the following written
6 information:

7 Your health care provider has ordered a laboratory test for
8 the presence of Lyme disease for you. Current laboratory
9 testing for Lyme disease can be problematic and standard
10 laboratory tests often result in false negative and false
11 positive results, and if done too early, you may not have
12 produced enough antibodies to be considered positive because
13 your immune response requires time to develop antibodies. If
14 you are tested for Lyme disease, and the results are negative,
15 this does not necessarily mean you do not have Lyme disease.
16 If you continue to experience symptoms, you should contact your
17 health care provider and inquire about the appropriateness of
18 retesting or additional treatment.

19 2. A health care provider shall be immune from civil
20 liability for the provision of the written information required
21 by this section absent gross negligence or willful misconduct.

22 Sec. 2. PERIODIC REVIEW OF LYME DISEASE TESTING
23 INFORMATION. The department of public health shall
24 periodically review the Lyme disease testing notification
25 language specified in section 139A.27, as enacted in this Act,
26 to evaluate its accuracy and continuing applicability. The
27 department may recommend legislation to revise or eliminate the
28 notification language.

29 EXPLANATION

30 This bill requires that a health care provider who orders
31 a laboratory test for Lyme disease shall provide written
32 information, as specified in the bill, relating to the
33 limitations of the test.

34 A health care provider shall be immune from civil liability
35 for the provision of the written information required by the

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1 bill absent gross negligence or willful misconduct.
2 The department of public health is directed to periodically
3 review the required written information for accuracy and
4 continuing applicability.



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House File 443 - Introduced

HOUSE FILE 443
BY R. OLSON

A BILL FOR

1 An Act relating to administrative license revocations due to
2 test result failure in an operating-while-intoxicated case
3 and the prescription medication defense.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2171YH (2) 85
rh/nh



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1 Section 1. Section 321J.12, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. a. This section does not apply to a
4 person operating a motor vehicle while under the influence
5 of a drug if the substance was prescribed for the person and
6 was taken under the prescription and in accordance with the
7 directions of a practitioner as defined in section 155A.3
8 or if the substance was dispensed by a pharmacist without a
9 prescription pursuant to the rules of the board of pharmacy,
10 if there is no evidence of the consumption of alcohol and the
11 medical practitioner or pharmacist had not directed the person
12 to refrain from operating a motor vehicle.

13 b. When served with a notice of revocation pursuant to this
14 section based upon test results that indicated the presence of
15 any amount of a controlled substance in the person's blood or
16 urine, a person may assert, as an affirmative defense, that
17 the controlled substance present in the person's blood or
18 urine was prescribed or dispensed for the person and was taken
19 in accordance with the directions of a practitioner and the
20 labeling directions of the pharmacy, as that person and place
21 of business are defined in section 155A.3.

22 Sec. 2. Section 321J.13, subsection 2, Code 2013, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. d. Whether the person produced evidence to
25 invoke the prescription medication defense pursuant to section
26 321J.12, subsection 7.

27 EXPLANATION

28 This bill relates to administrative license revocations due
29 to test result failure in an operating-while-intoxicated case
30 and the prescription medication defense.

31 Under current law, a prescription medication defense is
32 available to a defendant who has been criminally charged with
33 an operating-while-intoxicated offense because the person was
34 under the influence of a drug if the substance was prescribed
35 for the person and was taken under the prescription and in

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1 accordance with the directions of a medical practitioner or
2 if the substance was dispensed by a pharmacist without a
3 prescription pursuant to the rules of the board of pharmacy,
4 if there is no evidence of the consumption of alcohol and
5 the medical practitioner or pharmacist had not directed the
6 person to refrain from operating a motor vehicle. The bill
7 makes this same defense available to a person who requests
8 an administrative hearing because the person's license was
9 revoked based upon test results that indicated the presence of
10 a controlled substance or other drug based on a violation of
11 Code section 321J.12.



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House File 444 - Introduced

HOUSE FILE 444

BY ALONS, HEARTSILL, SCHULTZ,
SHEETS, DOLECHECK, FRY,
GASSMAN, SALMON, KOESTER,
and LANDON

A BILL FOR

1 An Act relating to the granting of a marriage license when the
2 parties are of the same gender and the related appellate
3 jurisdiction of the supreme court.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1081YH (3) 85
pf/rj



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1 Section 1. Section 595.3, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. Where both parties are of the same
4 gender.

5 Sec. 2. COUNTY REGISTRAR DUTIES AND CONSTITUTIONAL
6 AMENDMENT. Pursuant to section 595.3, subsection 6, as
7 enacted in this Act, the county registrar shall not grant a
8 marriage license where both parties are of the same gender
9 until such time as an amendment to the Constitution of
10 the State of Iowa defining marriage as the legal union of
11 one man and one woman is submitted to the electorate for
12 ratification. Following submission of such amendment to the
13 electorate for ratification, if the amendment is ratified, the
14 prohibition against a county registrar granting a marriage
15 license to parties of the same gender shall continue to
16 be enforced following the effective date of the amendment.
17 Following submission of such amendment to the electorate for
18 ratification, if the amendment is not ratified, section 595.3,
19 subsection 6, as enacted in this Act, is repealed upon the
20 official certification of the vote.

21 Sec. 3. APPELLATE JURISDICTION. The supreme court shall
22 not have appellate jurisdiction over any prohibitions or
23 restrictions established by this Act relating to the granting
24 of a marriage license in this state.

25 EXPLANATION

26 This bill provides that a marriage license shall not be
27 granted where both parties are of the same gender. The bill
28 directs that the county registrar shall not grant a marriage
29 license where both parties are of the same gender until such
30 time as an amendment to the Constitution of the State of Iowa
31 defining marriage as the legal union of one man and one woman
32 is submitted to the electorate for ratification. Following
33 submission of the amendment to the electorate for ratification,
34 if the amendment is not ratified, the provision prohibiting the
35 granting of a marriage license where both parties are of the

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1 same gender is repealed upon the official certification of the
2 vote.

3 The bill also provides that the supreme court does not have
4 appellate jurisdiction over any prohibitions or restrictions
5 established by the bill relating to the granting of a marriage
6 license in this state.



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House File 445 - Introduced

HOUSE FILE 445
BY STUTSMAN

A BILL FOR

1 An Act relating to county medical examiner fees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2426YH (2) 85
aw/sc



Iowa General Assembly
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1 Section 1. Section 331.802, subsection 2, paragraphs b and
2 c, Code 2013, are amended to read as follows:
3 b. Except as provided in section 218.64 or as otherwise
4 provided by law, for each preliminary investigation and the
5 preparation and submission of the required reports, the county
6 medical examiner shall receive from the county of appointment a
7 fee determined by the board plus the examiner's actual ~~expenses~~
8 costs. Actual costs under this section shall be determined
9 by the county medical examiner and may include indirect
10 costs. "Indirect costs" may include but are not limited to
11 employment benefits, employee overtime pay, depreciation,
12 building maintenance, electricity and other utilities, motor
13 vehicle costs, office supplies, and insurance associated
14 with the administration of the office of the county medical
15 examiner. The fee and ~~expenses~~ actual costs paid by the county
16 of appointment shall be reimbursed to the county of appointment
17 by the county of the person's residence. However, if the
18 person's death is caused by a defendant for whom a judgment of
19 conviction and sentence is rendered under section 707.2, 707.3,
20 707.4, 707.5, or 707.6A, the county of the person's residence
21 may recover from the defendant the fee and ~~expenses~~ actual
22 costs.
23 c. The fee and ~~expenses~~ actual costs of the county medical
24 examiner who performs an autopsy or conducts an investigation
25 of a person who dies after being brought into this state
26 for emergency medical treatment by or at the direction of an
27 out-of-state law enforcement officer or public authority shall
28 be paid by the state. A claim for payment shall be filed
29 with the Iowa department of public health. If moneys are not
30 appropriated to the Iowa department of public health for the
31 payment of autopsies under this paragraph, claims for payment
32 shall be forwarded to the state appeal board and, if authorized
33 by the board, shall be paid out of moneys in the general fund of
34 the state not otherwise appropriated.
35 Sec. 2. Section 331.802, subsection 4, Code 2013, is amended

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1 to read as follows:

2 4. The county medical examiner shall conduct the
3 investigation in the manner required by the state medical
4 examiner and shall determine whether the public interest
5 requires an autopsy or other special investigation. However,
6 if the death occurred in the manner specified in subsection
7 3, paragraph "j", the county medical examiner shall order an
8 autopsy, the ~~expense~~ actual costs of which shall be reimbursed
9 by the Iowa department of public health. In determining the
10 need for an autopsy, the county medical examiner may consider
11 the request for an autopsy from a public official or private
12 person, but the state medical examiner or the county attorney
13 of the county where the death occurred may require an autopsy.

14 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
15 3, shall not apply to this Act.

16 EXPLANATION

17 This bill relates to county medical examiner fees.

18 Current law provides that a county medical examiner shall
19 receive certain fees determined by the board of supervisors
20 plus the examiner's actual expenses for conducting preliminary
21 investigations and preparing and submitting required reports.
22 The bill provides that a county medical examiner shall receive
23 fees determined by the board plus the examiner's actual costs.
24 The bill provides that "actual costs" shall be determined by
25 the county medical examiner and may include indirect costs.
26 The bill further provides that "indirect costs" may include
27 but not be limited to employment benefits, employee overtime
28 pay, depreciation, building maintenance, electricity and other
29 utilities, motor vehicle costs, office supplies, and insurance
30 associated with the administration of the office of the county
31 medical examiner.

32 The bill may include a state mandate as defined in Code
33 section 25B.3. The bill makes inapplicable Code section 25B.2,
34 subsection 3, which would relieve a political subdivision from
35 complying with a state mandate if funding for the cost of

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1 the state mandate is not provided or specified. Therefore,
2 political subdivisions are required to comply with any state
3 mandate included in the bill.



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House File 446 - Introduced

HOUSE FILE 446
BY DAWSON

A BILL FOR

1 An Act relating to a complaint alleging the commission of a
2 delinquent act that would constitute a felony if committed
3 by an adult.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2302YH (2) 85
jm/rj



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1 Section 1. Section 232.28, subsection 3, paragraph e, Code
2 2013, is amended to read as follows:

3 e. Interview such persons as are necessary to determine
4 whether the filing of a petition would be in the best interests
5 of the child and the community ~~as provided in section 232.35,~~
6 ~~subsections 2 and 3~~ and whether the complaint alleges a
7 delinquent act that would constitute a felony if committed by
8 an adult.

9 Sec. 2. Section 232.28, subsections 6 through 9, Code 2013,
10 are amended to read as follows:

11 6. The Except as provided in subsection 9, the intake
12 officer, after consultation with the county attorney when
13 necessary, shall determine whether the complaint is legally
14 sufficient for the filing of a petition. A complaint shall be
15 deemed legally sufficient for the filing of a petition if the
16 facts as alleged are sufficient to establish the jurisdiction
17 of the court and probable cause to believe that the child has
18 committed a delinquent act. If the intake officer determines
19 that the complaint is legally sufficient to support the
20 filing of a petition, the officer shall determine whether the
21 interests of the child and the public will best be served by
22 the dismissal of the complaint, the informal adjustment of the
23 complaint, or the filing of a petition.

24 7. If Except as provided in subsection 9, if the intake
25 officer determines that the complaint is not legally sufficient
26 for the filing of a petition or that further proceedings are
27 not in the best interests of the child or the public, the
28 intake officer shall dismiss the complaint.

29 8. If Except as provided in subsection 9, if the intake
30 officer determines that the complaint is legally sufficient
31 for the filing of a petition and that an informal adjustment
32 of the complaint is in the best interests of the child and the
33 community, the officer may make an informal adjustment of the
34 complaint in accordance with section 232.29.

35 9. a. If the intake officer determines that the complaint

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1 is legally sufficient for the filing of a petition and that the
2 filing of a petition is in the best interests of the child and
3 the public, the officer shall request the county attorney to
4 file a petition in accordance with section 232.35.

5 b. If the complaint alleges a delinquent act that would
6 constitute a felony if committed by an adult, the intake
7 officer shall request the county attorney to file a petition in
8 accordance with section 232.35.

9 Sec. 3. Section 232.35, subsections 2 and 3, Code 2013, are
10 amended to read as follows:

11 2. If the intake officer determines that a complaint is
12 legally sufficient for the filing of a petition alleging that
13 a child has committed a delinquent act and that the filing of
14 a petition would be in the best interests of the child and the
15 community, or the complaint alleges a delinquent act that would
16 constitute a felony if committed by an adult, the officer shall
17 submit a written request for the filing of a petition to the
18 county attorney. The county attorney may grant or deny the
19 request of the intake officer for the filing of a petition. A
20 determination by the county attorney that a petition should not
21 be filed shall be final.

22 3. If the intake officer determines that a complaint is
23 not legally sufficient for the filing of a petition or that
24 the filing of a petition would not be in the best interests of
25 the child and the community, and the complaint does not allege
26 a delinquent act that would constitute a felony if committed
27 by an adult, the officer shall notify the complainant of the
28 officer's determination and the reasons for such determination,
29 and shall advise the complainant that the complainant may
30 submit the complaint to the county attorney for review. Upon
31 receiving a request for review, the county attorney shall
32 consider the facts presented by the complainant, consult
33 with the intake officer and make the final determination as
34 to whether a petition should be filed. In the absence of a
35 request by the complainant for a review of the intake officer's

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1 determination that a petition should not be filed, the
2 officer's determination shall be final, and the intake officer
3 shall inform the county attorney of this decision concerning
4 complaints involving allegations of acts which, if committed
5 by an adult, would constitute an aggravated misdemeanor ~~or a~~
6 ~~felony~~.

7 EXPLANATION

8 This bill relates to a complaint alleging the commission of
9 a delinquent act that would constitute a felony if committed
10 by an adult.

11 Under the bill, if a complaint is filed alleging a juvenile
12 committed a delinquent act that would constitute a felony if
13 committed by an adult, the intake officer must request the
14 county attorney to file a petition in accordance with Code
15 section 232.35. The county attorney may grant or deny the
16 request of the intake officer for the filing of a petition.

17 Under current law, if the intake officer determines that a
18 complaint is legally sufficient for the filing of a petition
19 alleging that a child has committed a delinquent act and that
20 the filing of a petition would be in the best interests of the
21 child and the community, regardless of the classification of
22 the offense, the intake officer is required to request the
23 county attorney to file a petition in accordance with Code
24 section 232.35.

25 The capability of the intake officer remains under the bill
26 to determine whether a complaint alleging a juvenile committed
27 a delinquent act that would constitute a misdemeanor is not
28 legally sufficient for the filing of a petition or that the
29 filing of a petition would not be in the best interests of the
30 child and the community.

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House File 447 - Introduced

HOUSE FILE 447
BY ABDUL-SAMAD and BERRY

A BILL FOR

1 An Act relating to consideration for early parole or work
2 release.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 906.15A Early parole —
2 cooperation.

3 In a case involving the use of a dangerous weapon by a person
4 who was a juvenile when the offense was committed, the board
5 of parole shall consider the person for early parole or work
6 release if the person cooperated in the prosecution of the
7 supplier of the dangerous weapon.

8 EXPLANATION

9 This bill relates to consideration for early parole or work
10 release.

11 Under the bill, in a case involving the use of a dangerous
12 weapon by a person who was a juvenile when the offense was
13 committed, the board of parole shall consider the person for
14 early parole or work release if the person cooperated in the
15 prosecution of the supplier of the dangerous weapon.

16 "Dangerous weapon" is defined in Code section 702.7.



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House File 448 - Introduced

HOUSE FILE 448
BY ANDERSON

A BILL FOR

1 An Act relating to aiding and abetting the commission of a
2 criminal offense.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2193HH (2) 85
jm/rj



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H.F. 448

1 Section 1. Section 703.1, Code 2013, is amended to read as
2 follows:

3 **703.1 Aiding and abetting.**

4 1. ~~All~~ Except as provided in subsection 2, all persons
5 concerned in the commission of a public offense, whether they
6 directly commit the act constituting the offense or aid and
7 abet its commission, shall be charged, tried and punished as
8 principals. The guilt of a person who aids and abets the
9 commission of a crime must be determined upon the facts which
10 show the part the person had in it, and does not depend upon
11 the degree of another person's guilt. A person's act that is
12 merely incidental to the commission of an act constituting a
13 public offense is not aiding and abetting under this section.

14 2. A person shall not be criminally liable for the behavior
15 of another that constitutes a public offense if the person
16 is also a victim of that public offense unless specified by
17 statute.

18 EXPLANATION

19 This bill relates to aiding and abetting the commission of a
20 criminal offense.

21 The bill specifies that a person does not aid and abet the
22 commission of a criminal offense if the conduct of the person
23 is incidental to the commission of the offense.

24 The bill also specifies that a person shall not be criminally
25 liable for the behavior of another that constitutes a criminal
26 offense if the person is also a victim of that offense unless
27 specified by statute defining the public offense.

28 Under current law, a person accused of aiding and abetting
29 the commission of a criminal offense shall be charged, tried,
30 and punished in the same manner as others who also committed
31 the offense.

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House File 449 - Introduced

HOUSE FILE 449
BY JACOBY

A BILL FOR

1 An Act establishing a voter-owned Iowa clean elections Act and
2 fund, providing sources of funding, providing an income tax
3 exemption for contributions made to the fund, providing
4 penalties, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 68A.603, Code 2013, is amended to read
2 as follows:

3 **68A.603 Rules promulgated.**

4 The ethics and campaign disclosure board shall administer
5 the provisions of sections 68A.601 ~~through 68A.609~~, 68A.602,
6 and 68A.604 through 68A.610 and shall promulgate all necessary
7 rules in accordance with chapter 17A.

8 Sec. 2. NEW SECTION. **68A.610 Checkoff — income tax —**
9 **voter-owned Iowa clean elections.**

10 A person whose state income tax liability for any taxable
11 year is five dollars or more may direct that five dollars
12 of that liability be paid over to the voter-owned Iowa
13 clean elections fund, as established in section 68A.823,
14 when submitting the person's state income tax return to the
15 department of revenue. In the case of a joint return of
16 husband and wife having a state income tax liability of ten
17 dollars or more, each spouse may direct that five dollars
18 be paid to the fund. The director of revenue shall provide
19 space for the voter-owned Iowa clean elections fund income
20 tax checkoff on the income tax form. An explanation shall
21 be included which clearly states that this checkoff does not
22 constitute an additional tax liability. The action taken by a
23 person for the checkoff is irrevocable.

24 Sec. 3. NEW SECTION. **68A.801 Definitions.**

25 For the purposes of this subchapter, unless the context
26 otherwise requires:

27 1. "*Allowable contribution*" means a qualifying contribution
28 or a seed money contribution.

29 2. "*Board*" means the Iowa ethics and campaign disclosure
30 board established under section 68B.32.

31 3. "*Clean election campaign qualifying period*" means the
32 period during which candidates are permitted to collect
33 qualifying contributions in order to qualify for clean election
34 campaign funding. The period begins ninety days before the
35 beginning of the primary election campaign period and ends

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1 thirty days before the beginning of the primary election
2 campaign period.

3 4. "*Coordination*" means a payment made for a communication
4 or anything of value that is for the purpose of influencing the
5 outcome of an election and that is made by a person according
6 to at least one of the following:

7 a. In cooperation, consultation, or concert with, at
8 the request or suggestion of, or pursuant to, a particular
9 understanding with a candidate, a candidate's committee, or an
10 agent acting on behalf of a candidate or candidate's committee.

11 b. For the dissemination, distribution, or republication,
12 in whole or in part, of any broadcast or any written, graphic,
13 or other form of campaign material prepared by a candidate,
14 a candidate's committee, or an agent of a candidate or
15 candidate's committee.

16 c. Based on specific information about the candidate's
17 plans, projects, or needs provided to the person making the
18 payment by the candidate or the candidate's agent who provides
19 the information with a view toward having the payment made.

20 d. If in the same election cycle in which the payment is
21 made, the person making the payment is serving or has served as
22 a member, employee, fund-raiser, or agent of the candidate or
23 candidate's committee in an executive or policymaking position.

24 e. If the person making the payment has served in any formal
25 policy or advisory position with the candidate's campaign or
26 has participated in strategic or policymaking discussions with
27 the candidate's campaign relating to the candidate's pursuit of
28 nomination for election, or election, to office, in the same
29 election cycle as the election cycle in which the payment is
30 made.

31 f. If the person making the payment retains the professional
32 services of an individual or person who, in a nonministerial
33 capacity, has provided or is providing campaign-related
34 services in the same election cycle to a candidate who
35 is pursuing the same nomination or election as any of the

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1 candidates to whom the communication refers. For purposes
2 of this section, "*professional services*" includes services in
3 support of a candidate's pursuit of nomination for election or
4 election to office such as polling, media advice, direct mail,
5 fund-raising, or campaign research services.

6 5. "*Electioneering communication*" means any communication
7 that refers to a clearly identified candidate for elected
8 public office, if the communication has the effect of
9 encouraging or discouraging a vote for the candidate,
10 regardless of whether the communication expressly advocates a
11 vote for or against the candidate.

12 6. "*Excess expenditure amount*" means the amount of
13 money spent or obligated to be spent by a nonparticipating
14 candidate in excess of the clean money amount available to a
15 participating candidate running for the same office.

16 7. "*Express advocacy*" means the same as defined in section
17 68A.102.

18 8. "*General election campaign period*" means the period
19 beginning the day after the primary election and ending on the
20 day of the general election.

21 9. "*Independent candidate*" means a candidate who does not
22 represent a political party as defined by section 43.2.

23 10. "*Independent expenditure*" means an expenditure made
24 by a person or group of persons other than a candidate or
25 candidate's committee that meets both of the following
26 conditions:

27 a. The expenditure is made for a communication that contains
28 express advocacy.

29 b. The expenditure is made without the participation or
30 cooperation of and without coordination with a candidate or a
31 candidate's committee.

32 11. "*Nonparticipating candidate*" means a candidate who is
33 on the ballot but has chosen not to apply for clean election
34 campaign funding or a candidate who is on the ballot and
35 has applied for but has not satisfied the requirements for

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1 receiving clean election campaign funding.

2 12. "*Participating candidate*" means a candidate who
3 qualifies for clean election campaign funding. Such candidates
4 are eligible to receive clean election campaign funding during
5 primary or general election campaign periods.

6 13. "*Party candidate*" means a candidate who represents a
7 political party as defined by section 43.2.

8 14. "*Primary election campaign period*" means the period
9 beginning ninety days before the primary election and ending on
10 the day of the primary election.

11 15. "*Qualifying contribution*" means a contribution of five
12 dollars or more that is received during the designated clean
13 election campaign qualifying period by a candidate seeking to
14 become eligible for clean election campaign funding and that is
15 acknowledged by a written receipt identifying the contributor.
16 However, if the annual median household income of a legislative
17 district is at or below one hundred percent of the most recent
18 federal poverty guidelines based on United States census bureau
19 data, the qualifying contribution is one dollar.

20 16. "*Seed money contribution*" means a contribution of no
21 more than one hundred dollars made by an individual adult
22 during the seed money period, but specifically excludes all of
23 the following:

24 a. Payments by a membership organization for the costs of
25 communications to its members.

26 b. Payments by a membership organization for the purpose of
27 facilitating the making of qualifying contributions.

28 c. The cash value of volunteer activity, including the
29 payment of incidental expenses of volunteers.

30 17. "*Seed money period*" means the period beginning the
31 day following the previous general election for that office
32 and ending on the last day of the clean election campaign
33 qualifying period. The "*seed money period*" is the exploratory
34 period during which candidates who wish to become eligible
35 for clean election campaign funding for the next elections

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1 are permitted to raise and spend a limited amount of private
2 seed money, from contributions of up to one hundred dollars
3 per individual, for the purpose of determining whether to
4 become a candidate and fulfilling the clean election campaign
5 eligibility requirements.

6 Sec. 4. NEW SECTION. 68A.802 Eligibility for party
7 candidates.

8 1. A party candidate qualifies as a participating candidate
9 for the primary election campaign period if the candidate does
10 both of the following:

11 a. The candidate files a declaration with the board that
12 the candidate has complied and will comply with all of the
13 requirements of this subchapter, including the requirement
14 that during the seed money period and the clean election
15 campaign qualifying period the candidate not accept or
16 spend private contributions from any source other than seed
17 money contributions and clean election campaign qualifying
18 contributions, unless the provisions of section 68A.804 apply.

19 b. The candidate meets both of the following qualifying
20 contribution requirements before the close of the clean
21 election campaign qualifying period:

22 (1) A party candidate must collect both qualifying
23 contributions and signatures as follows:

24 (a) For the office of governor, from five hundred eligible
25 electors in each congressional district.

26 (b) For statewide office other than governor, from two
27 hundred fifty eligible electors in each congressional district.

28 (c) For the Iowa senate, from two hundred eligible electors
29 in the senate candidate's electoral district.

30 (d) For the Iowa house of representatives, from one hundred
31 eligible electors in the house candidate's electoral district.

32 (2) Each qualifying contribution must meet all requirements
33 of this section.

34 2. Contributors shall be eligible electors who reside
35 within the candidate's electoral district and who are therefore

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1 eligible to vote for that candidate.
2 3. Qualifying contributions shall be:
3 a. Made in cash, check, money order, or credit or debit
4 card.
5 b. Gathered by the candidate personally or by volunteers who
6 do not receive compensation.
7 c. Acknowledged by a receipt to the contributor, with
8 a copy to be kept by the candidate and a third copy to be
9 submitted to the board. The receipt shall include a signed
10 statement that the contributor understands that the purpose of
11 the contribution is to help the candidate qualify for clean
12 election campaign funding and that the contribution is made
13 without coercion or reimbursement. The receipt shall include
14 the contributor's signature, printed name, home address, and
15 telephone number, and the name of the candidate on whose behalf
16 the contribution is made.
17 d. Paid over to the board for deposit in the voter-owned
18 Iowa clean elections fund established under section 68A.823,
19 with the signed and completed receipt, according to a schedule
20 and procedure to be determined by the board. A contribution
21 submitted as a qualifying contribution that does not include
22 the signed and completed receipt shall not be counted as a
23 qualifying contribution.
24 4. A party candidate qualifies as a participating candidate
25 for the general election campaign period when the candidate
26 does both of the following:
27 a. The candidate has met all of the applicable requirements
28 of this subchapter and filed a declaration with the board
29 that the candidate has fulfilled and will fulfill all of the
30 requirements of a participating candidate as stated in this
31 subchapter.
32 b. As a participating candidate during the primary election
33 campaign period, the candidate had the highest number of votes
34 of the candidates contesting the primary election from the
35 candidate's respective party and won the party's nomination.

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1 Sec. 5. NEW SECTION. 68A.803 Eligibility for independent
2 candidates.

3 1. An independent candidate qualifies as a participating
4 candidate for the primary election campaign period if the
5 candidate does both of the following:

6 a. The candidate files a declaration with the board that
7 the candidate has complied and will comply with all of the
8 requirements of this subchapter, including the requirement
9 that during the seed money period and the clean election
10 campaign qualifying period the candidate not accept or
11 spend private contributions from any source other than seed
12 money contributions and clean election campaign qualifying
13 contributions, unless the provisions of section 68A.804 apply.

14 b. The candidate meets the following qualifying contribution
15 requirements before the close of the clean election campaign
16 qualifying period:

17 (1) An independent candidate shall collect the same number
18 of qualifying contributions as required of a party candidate
19 for the same office under section 68A.802.

20 (2) Each qualifying contribution must meet all requirements
21 of this section.

22 2. Contributors shall be registered voters who reside
23 within the candidate's electoral district and who are therefore
24 eligible to vote for that candidate.

25 3. Qualifying contributions shall be:

26 a. Made in cash, check, money order, or credit or debit
27 card.

28 b. Gathered by the candidate personally or by volunteers who
29 do not receive compensation.

30 c. Acknowledged by a receipt to the contributor, with
31 a copy to be kept by the candidate and a third copy to be
32 submitted to the board. The receipt shall include a signed
33 statement that the contributor understands that the purpose of
34 the contribution is to help the candidate qualify for clean
35 election campaign funding and that the contribution is made

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1 without coercion or reimbursement. The receipt shall include
2 the contributor's signature, printed name, home address, and
3 telephone number, and the name of the candidate on whose behalf
4 the contribution is made.

5 *d.* Paid over to the board for deposit in the voter-owned
6 Iowa clean elections fund established under section 68A.823,
7 with the signed and completed receipt, according to a schedule
8 and procedure to be determined by the board. A contribution
9 submitted as a qualifying contribution that does not include
10 the signed and completed receipt shall not be counted as a
11 qualifying contribution.

12 4. An independent candidate qualifies as a participating
13 candidate for the general election campaign period when the
14 candidate does both of the following:

15 *a.* If, prior to the primary election, the candidate has met
16 all of the applicable requirements of this subchapter and filed
17 a declaration with the board that the candidate has fulfilled
18 and will fulfill all of the requirements of a participating
19 candidate as stated in this subchapter.

20 *b.* If, during the primary election campaign period, the
21 candidate has fulfilled all the requirements of a participating
22 candidate as stated in this subchapter.

23 Sec. 6. NEW SECTION. 68A.804 Transition rule for current
24 election cycle.

25 During the election cycle in effect on the date of enactment
26 of this Act, a candidate may be certified as a participating
27 candidate, notwithstanding the acceptance of contributions
28 or making of expenditures from private funds before the date
29 of enactment of this Act that would, absent this section,
30 disqualify the candidate as a participating candidate, provided
31 that any private funds accepted but not expended before the
32 date of enactment of this Act shall either be returned to
33 the contributor or submitted to the board for deposit in the
34 voter-owned Iowa clean elections fund established under section
35 68A.823.

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1 Sec. 7. NEW SECTION. **68A.805** Continuing obligation to
2 **comply.**

3 A participating candidate who accepts any benefits under
4 section 68A.813 during the primary election campaign period
5 shall comply with all the requirements of this subchapter
6 through any remaining time during the primary election campaign
7 period as well as through the general election campaign period
8 whether or not the candidate continues to accept benefits.

9 Sec. 8. NEW SECTION. **68A.806** Contributions and
10 **expenditures.**

11 1. During the primary and general election campaign
12 periods, a participating candidate who has voluntarily agreed
13 to participate in clean election campaign financing shall not
14 accept private contributions from any source other than the
15 candidate's political party, as specified in section 68A.808.

16 2. A person shall not make a contribution in violation
17 of section 68A.502. A participating candidate who receives
18 a qualifying contribution or a seed money contribution that
19 is not from the person listed on the receipt as required by
20 this subchapter shall pay to the board for deposit in the
21 voter-owned Iowa clean elections fund established under section
22 68A.823 the entire amount of such contribution.

23 3. The board shall issue each participating candidate a card
24 known as the "clean election campaign debit card" entitling the
25 candidate to draw clean election campaign funds to pay for all
26 campaign costs and expenses up to the amount of funding the
27 candidate has received, and the board shall credit such amount
28 to the card. During the primary and general election campaign
29 periods, a participating candidate shall pay by means of the
30 board's clean election campaign debit card. A participating
31 candidate shall not pay campaign costs by cash, check, money
32 order, loan, or by any other financial means other than the
33 clean election campaign debit card.

34 4. Eligible candidates shall furnish complete campaign
35 records, including all records of seed money contributions and

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1 qualifying contributions, to the board at regular filing times,
2 or on request by the board. Candidates shall cooperate with
3 any audit or examination conducted or ordered by the board.

4 Sec. 9. NEW SECTION. **68A.807 Nonparticipating candidates**
5 **— contribution limits.**

6 Nonparticipating candidates shall be subject to the
7 following contribution limits:

8 1. Candidates for statewide office:

9 a. One thousand dollars in the aggregate per individual
10 contribution.

11 b. Five thousand dollars in the aggregate per political
12 committee contribution.

13 2. Candidates for the Iowa senate and house of
14 representatives:

15 a. Five hundred dollars in the aggregate per individual
16 contribution.

17 b. One thousand dollars in the aggregate per political
18 committee contribution.

19 Sec. 10. NEW SECTION. **68A.808 Political party contributions**
20 **and expenditures.**

21 1. Participating candidates may accept monetary or in-kind
22 contributions from political parties provided that the
23 aggregate amount of such contributions from all political party
24 committees combined does not exceed the equivalent of five
25 percent of the clean election campaign financing amount for
26 that office.

27 2. In-kind contributions made during a general election
28 campaign period on behalf of a group of the party's candidates
29 shall not be considered a prohibited party contribution or
30 count against the five percent limit established in subsection
31 1 if such group includes at least fifty-one percent of the
32 candidates whose names will appear on the general election
33 ballot in the political subdivision represented by the party
34 committee making such in-kind contributions.

35 3. Contributions made to, and expenditures made by,

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1 political parties during primary and general campaign
2 periods shall be reported to the board on the same basis as
3 contributions and expenditures made to or by candidates.
4 4. This section and this subchapter shall not prevent
5 political party funds from being used for any of the following:
6 a. General operating expenses of the party.
7 b. Conventions.
8 c. Nominating and endorsing candidates.
9 d. Identifying, researching, and developing the party's
10 positions on issues.
11 e. Party platform activities.
12 f. Noncandidate-specific voter registration drives.
13 g. Noncandidate-specific get-out-the-vote drives.
14 h. Travel expenses for noncandidate party leaders and staff.
15 i. Other noncandidate-specific party-building activities,
16 as defined by rule of the board.
17 j. Employing a staff person to provide election services to
18 two or more candidates.
19 Sec. 11. **NEW SECTION. 68A.809 Use of personal funds.**
20 1. Personal funds contributed as seed money by a candidate
21 seeking to become eligible as a participating candidate or by
22 the candidate's spouse shall not exceed one hundred dollars per
23 contributor.
24 2. Personal funds shall not be used to meet the qualifying
25 contribution requirement except for one five-dollar
26 contribution from the candidate and one five-dollar
27 contribution from the candidate's spouse.
28 Sec. 12. **NEW SECTION. 68A.810 Seed money.**
29 1. The only private contributions a candidate seeking
30 to become eligible for clean election campaign funding shall
31 accept, other than qualifying contributions, are seed money
32 contributions contributed by individual adults prior to the end
33 of the clean election campaign qualifying period.
34 2. A seed money contribution shall not exceed one hundred
35 dollars, and the aggregate amount of seed money contributions

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1 accepted by a candidate seeking to become eligible for clean
2 election campaign funding shall not exceed the relevant limit,
3 as follows:

4 *a.* Twenty-five thousand dollars for a candidate team running
5 for governor and lieutenant governor.

6 *b.* Fifteen thousand dollars for a candidate running for
7 statewide office other than governor or lieutenant governor.

8 *c.* Two thousand dollars for a candidate running for the Iowa
9 senate.

10 *d.* One thousand dollars for a candidate running for the Iowa
11 house of representatives.

12 3. Receipts for seed money contributions shall include
13 the contributor's signature, printed name, street address and
14 zip code, telephone number, occupation, and name of employer.
15 Contributions shall not be accepted if the required disclosure
16 information is not received.

17 4. Seed money shall be spent only during the clean election
18 campaign qualifying period. Seed money shall not be spent
19 during the primary or general election campaign periods.

20 5. Within forty-eight hours after the close of the clean
21 election campaign qualifying period, candidates seeking to
22 become eligible for clean election campaign funding shall do
23 both of the following:

24 *a.* Fully disclose all seed money contributions and
25 expenditures to the board.

26 *b.* Pay over to the board for deposit in the voter-owned
27 Iowa clean elections fund any seed money the candidate has
28 raised during the designated seed money period that exceeds the
29 aggregate seed money limit.

30 Sec. 13. NEW SECTION. 68A.811 Participation in debates.

31 1. Participating candidates in contested races shall
32 participate in all of the following:

33 *a.* For the offices of governor and lieutenant governor:

34 (1) One one-hour debate during a contested primary
35 election.

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1 (2) Two one-hour debates during a contested general
2 election.

3 b. For all other offices:

4 (1) One one-hour debate during a contested primary
5 election.

6 (2) One one-hour debate during a contested general
7 election.

8 2. Nonparticipating candidates for the same office whose
9 names will appear on the ballot shall be invited to join the
10 debates.

11 Sec. 14. NEW SECTION. **68A.812 Certification.**

12 1. No more than five days after a candidate applies for
13 clean election campaign funding benefits, the board shall
14 certify that the candidate is or is not eligible to receive
15 clean election campaign funds.

16 2. Eligibility can be revoked if the candidate violates
17 the requirements of this subchapter, in which case all clean
18 election campaign funds shall be repaid by the candidate.

19 3. The candidate's request for certification shall be
20 signed by the candidate and the treasurer of the candidate's
21 committee, both under penalty of perjury.

22 4. The board's determination is final except that it is
23 subject to examination and audit by an outside agency and to
24 prompt judicial review, in compliance with rules promulgated by
25 the board in accordance with chapter 17A.

26 Sec. 15. NEW SECTION. **68A.813 Benefits provided to**
27 **candidates eligible to receive clean election campaign funding.**

28 1. Candidates who qualify for clean election campaign
29 funding for primary and general elections shall receive all of
30 the following:

31 a. Clean election campaign funding from the board for each
32 election, the amount of which is specified in section 68A.815.
33 This funding may be used to finance any and all campaign
34 expenses during the particular campaign period for which it is
35 received.

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1 *b.* Additional clean election campaign funding to match
2 any excess expenditure amount spent by a nonparticipating
3 candidate, as specified in section 68A.817.
4 *c.* Additional clean election campaign funding to match any
5 independent expenditure made in opposition to their candidacies
6 or on behalf of their opponents' candidacies, as specified in
7 section 68A.819.
8 *d.* Additional clean election campaign funding to match
9 any electioneering communication expenditure, as specified in
10 section 68A.820.
11 2. The maximum aggregate amount of additional funding
12 above the initial allocation determined under section 68A.815
13 that a participating candidate may be eligible to receive to
14 match independent expenditures, the excess expenditures of
15 nonparticipating candidates, and electioneering communication
16 expenditures shall be two hundred percent of the full amount of
17 clean election campaign funding allocated to the participating
18 candidate for a particular primary or general election campaign
19 period.
20 Sec. 16. NEW SECTION. 68A.814 Schedule of clean election
21 campaign funding payments.
22 1. An eligible candidate shall receive clean election
23 campaign funding for the primary election campaign period
24 on the date on which the board certifies the candidate as a
25 participating candidate. This certification shall take place
26 no later than five days after the candidate has submitted the
27 required number of qualifying contributions and a declaration
28 stating that the candidate has complied with all other
29 requirements for eligibility as a participating candidate, but
30 no earlier than the beginning of the primary election campaign
31 period.
32 2. An eligible candidate shall receive clean election
33 campaign funding for the general election campaign period
34 within forty-eight hours after certification of the primary
35 election results.

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1 Sec. 17. NEW SECTION. **68A.815** **Determination of clean**
2 **election campaign funding amounts.**

3 1. **a.** For party candidates, the amount of clean election
4 campaign funding for a contested primary election is as
5 follows:

6 (1) Seven hundred fifty thousand dollars for a candidate
7 team running for governor and lieutenant governor.

8 (2) Seventy-five thousand dollars for a candidate for
9 statewide office other than governor and lieutenant governor.

10 (3) Twenty-two thousand five hundred dollars for a
11 candidate running for the Iowa senate.

12 (4) Fifteen thousand dollars for a candidate running for the
13 Iowa house of representatives.

14 **b.** The clean election campaign funding amount for an
15 eligible party candidate in an uncontested primary election
16 is twenty-five percent of the amount provided in a contested
17 primary election.

18 **c.** In a contested general election, if an eligible party
19 candidate or all of the candidates of the candidate's party
20 combined received at least twenty percent of the total number
21 of votes cast for all candidates seeking that office in
22 the most recent primary election or in the previous general
23 election, the candidate shall receive the full amount of clean
24 election campaign funding for the general election, as follows:

25 (1) Three million dollars for a candidate team running for
26 governor and lieutenant governor.

27 (2) Two hundred thousand dollars for a candidate for
28 statewide office other than governor and lieutenant governor.

29 (3) Forty thousand dollars for a candidate running for the
30 Iowa senate.

31 (4) Thirty thousand dollars for a candidate running for the
32 Iowa house of representatives.

33 **d.** The clean election campaign funding amount for an
34 eligible party candidate in an uncontested general election
35 is ten percent of the amount provided in a contested general

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1 election for the same office.

2 2. *a.* For eligible independent candidates, the clean
3 election campaign funding amount for the primary election
4 campaign period is twenty-five percent of the amount of clean
5 election campaign funding received by a party candidate in a
6 contested primary election for the same office.

7 *b.* The clean election campaign funding amount for an
8 eligible independent candidate in the general election is the
9 same as the full amount received by a party candidate in the
10 general election for the same office.

11 *c.* After the first cycle of clean election campaign
12 financing elections, the board shall modify all clean election
13 campaign funding amounts based on the percentage increase in
14 the consumer price index, for all urban consumers, United
15 States city average, as published in the federal register
16 by the United States department of labor, bureau of labor
17 statistics, that reflects the percentage increase in the
18 consumer price index for the twelve-month period ending
19 December 31 of the previous year.

20 Sec. 18. NEW SECTION. 68A.816 Expenditures made with clean
21 election campaign funds.

22 1. The clean election campaign funding received by a
23 participating candidate shall be used only for the purpose of
24 defraying that candidate's campaign-related expenses during
25 the particular election campaign period for which the clean
26 election campaign funding was received.

27 2. Payments shall not be used for the following:

28 *a.* Payments that are in violation of the law.

29 *b.* Payments that repay any personal, family, or business
30 loans, expenditures, or debts.

31 Sec. 19. NEW SECTION. 68A.817 Disclosure of excess spending
32 by nonparticipating candidates.

33 1. If a nonparticipating candidate's total expenditures
34 exceed the amount of clean election campaign funding allocated
35 to the candidate's clean election campaign opponent, the

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1 candidate shall declare to the board within forty-eight hours
2 every excess expenditure amount that, in the aggregate, is more
3 than one thousand dollars.

4 2. During the last twenty days before the end of the
5 relevant campaign period, a nonparticipating candidate shall
6 declare to the board each excess expenditure amount over
7 five hundred dollars within twenty-four hours of when the
8 expenditure is made or obligated to be made.

9 3. The board may make its own determination as to whether
10 excess expenditures have been made by nonparticipating
11 candidates.

12 4. Upon receiving an excess expenditure declaration, the
13 board shall immediately release additional clean election
14 campaign funding to the opposing participating candidate
15 or candidates equal to the excess expenditure amount the
16 nonparticipating candidate has spent or intends to spend,
17 subject to the limit set forth in section 68A.813.

18 Sec. 20. NEW SECTION. **68A.818 Campaign advertisements.**

19 All broadcast and print advertisements placed by candidates
20 or candidate's committees shall, in addition to the
21 requirements of section 68A.405, include a clear written or
22 spoken statement indicating that the candidate has approved the
23 contents of the advertisement.

24 Sec. 21. NEW SECTION. **68A.819 Disclosure of independent
25 expenditures — additional clean election campaign funding.**

26 1. Any person or group of persons who makes or obligates
27 to make an independent expenditure during a primary or general
28 election campaign period which, in the aggregate, exceeds one
29 thousand dollars, shall report each expenditure within forty-
30 eight hours to the board.

31 2. The report to the board shall include a statement,
32 under penalty of perjury, by the person or persons making the
33 independent expenditure identifying the candidate whom the
34 independent expenditure is intended to help elect or defeat
35 and affirming that the expenditure is totally independent and

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1 involves no coordination with a candidate or a political party.

2 *a.* An individual or organization may file a complaint with
3 the board if the candidate or the organization believes that
4 the statement according to this subsection is false.

5 *b.* A hearing on a complaint under this subsection shall be
6 held within three business days of filing and a decision issued
7 within seven days of filing.

8 3. Any person or group of persons who makes or obligates
9 to make an independent expenditure during the last twenty days
10 before the end of the relevant campaign period which, in the
11 aggregate, exceeds five hundred dollars, shall report each
12 expenditure within twenty-four hours to the board.

13 4. Upon receiving a report that an independent expenditure
14 has been made or obligated to be made, the board shall
15 immediately release additional clean election campaign funding,
16 equal in amount to the cost of the independent expenditure, to
17 all participating candidates whom the independent expenditure
18 is intended to oppose or defeat, subject to the limit set forth
19 in section 68A.813.

20 Sec. 22. NEW SECTION. **68A.820 Electioneering communications**
21 **— disclosure — additional clean election campaign funding.**

22 1. A person who makes or obligates to make a disbursement to
23 purchase an electioneering communication shall file a report
24 with the board not later than forty-eight hours after making or
25 obligating to make the disbursement, containing the following
26 information:

27 *a.* The amount of the disbursement.

28 *b.* The name and address of the person making the
29 disbursement.

30 *c.* The purpose of the electioneering communication.

31 2. Upon receiving a report that an electioneering
32 communication has been made or obligated to be made, and
33 upon determination that the electioneering communication can
34 reasonably be interpreted as having the effect of promoting
35 the defeat of a participating candidate or the election

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1 of that candidate's opponent, the board shall immediately
2 release to that candidate additional clean election campaign
3 funding, equal in amount to the cost of the electioneering
4 communication, subject to the limit set forth in section
5 68A.813.

6 Sec. 23. NEW SECTION. **68A.821 Voter information program.**

7 1. The board shall establish and administer a nonpartisan
8 voter information program, including an advisory council
9 consisting of representatives of nonprofit organizations,
10 political parties, the media, and interested citizens.

11 2. The voter information program advisory council may
12 establish a voter information program for the purpose of
13 providing voters with election-related information and
14 fostering political dialogue and debate.

15 3. The voter information program advisory council
16 shall organize the publication and distribution of a voter
17 information guide that includes important information about the
18 following issues:

19 a. Candidates appearing on the ballot, including
20 biographical material submitted by the candidates.

21 b. Whether candidates are funding their campaigns with
22 public money or private money.

23 c. Policy statements by the candidates or their political
24 parties on issues designated by the council and other issues.

25 d. Candidates' voting records.

26 Sec. 24. NEW SECTION. **68A.822 Debates.**

27 1. A nonpartisan organization that is involved in providing
28 information to the public concerning elections or a nonpartisan
29 organization that has been involved in education and the
30 advocacy of open, clean election and campaign laws for at
31 least five years, may host and sponsor voter-owned Iowa clean
32 election candidate debates in contested primary and general
33 elections.

34 2. All participating candidates shall participate in the
35 debates and all nonparticipating candidates for the same office

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1 whose names will appear on the ballot shall be invited to join
2 the debates.

3 Sec. 25. NEW SECTION. **68A.823 Voter-owned Iowa clean**
4 **elections fund (VOICE) — nature and purposes.**

5 1. A voter-owned Iowa clean elections fund is established as
6 a separate fund within the office of the state treasurer, under
7 the control of the board, for the following purposes:

8 a. Providing public financing for the election campaigns of
9 certified participating candidates during primary election and
10 general election campaign periods.

11 b. Paying for the administrative and enforcement costs of
12 the board in relation to this subchapter.

13 2. The fund shall consist of moneys received pursuant to
14 section 68A.824. Notwithstanding section 8.33, unencumbered
15 or unobligated moneys and any interest earned on moneys in the
16 fund on June 30 of any fiscal year shall not revert to the
17 general fund of the state but shall remain in the fund and be
18 available for expenditure in subsequent years.

19 Sec. 26. NEW SECTION. **68A.824 Funding.**

20 In addition to any moneys appropriated by the general
21 assembly to the voter-owned Iowa clean elections fund
22 established in section 68A.823, the following moneys shall be
23 deposited in the fund:

24 1. The qualifying contributions required of candidates
25 seeking to become certified as participating candidates
26 according to section 68A.802 or 68A.803 and candidates' excess
27 qualifying contributions.

28 2. Moneys credited to the fund pursuant to sections 68A.610
29 and 556.18.

30 3. The excess seed money contributions of candidates
31 seeking to become certified as participating candidates.

32 4. Moneys distributed to any participating candidate
33 who does not remain a candidate until the primary or general
34 election for which they were distributed.

35 5. Civil penalties levied by the board against candidates

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1 for violations of this subchapter.

2 6. Voluntary donations made directly to the fund.

3 7. Any other sources of revenue designated by the general
4 assembly.

5 Sec. 27. NEW SECTION. 68A.825 Powers and procedures.

6 The board shall have the following powers and duties, in
7 addition to those granted in this chapter and chapter 68B, when
8 administering this subchapter:

9 1. After every primary and general election, the board
10 may conduct random audits and investigations to ensure
11 compliance with this subchapter. The subjects of such audits
12 and investigations shall be selected on the basis of impartial
13 criteria established by a vote of at least four members of the
14 board.

15 2. a. The board may investigate anonymous complaints.

16 b. The identity of a complainant may be kept confidential
17 if the complainant states in the complaint that revealing
18 the identity of the complainant could reasonably result in
19 disciplinary action or loss of employment.

20 3. The board may seek injunctions when all of the following
21 conditions are met:

22 a. There is a substantial likelihood that a violation of
23 this subchapter is occurring or is about to occur.

24 b. The failure to act expeditiously will result in
25 irreparable harm to a party affected by the violation or
26 potential violation.

27 c. Expeditious action will not cause undue harm or prejudice
28 to the interests of others.

29 d. The public interest would be best served by the issuance
30 of an injunction.

31 4. The board may levy civil penalties for violations of
32 this subchapter. Civil penalties shall be deposited in the
33 voter-owned Iowa clean elections fund.

34 5. The board shall refer criminal violations to the county
35 attorney or attorney general for prosecution.

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1 6. The board may participate fully in any actions filed
2 under this section.

3 7. The board shall adopt rules pursuant to chapter 17A as
4 necessary to administer this subchapter.

5 Sec. 28. NEW SECTION. **68A.826 Civil actions.**

6 1. A citizen who believes a candidate has violated this
7 subchapter may pursue a civil action in a court of relevant
8 jurisdiction, provided that both of the following are true:

9 a. The citizen has previously filed a complaint with the
10 board regarding the same alleged violation.

11 b. The board has failed to make a determination within
12 thirty days of the filing of the complaint.

13 2. A complainant who prevails in a civil action charging
14 a violation of this subchapter shall be entitled to receive
15 reasonable attorney fees and court costs from the defendant.

16 3. If a court in which a civil action has been filed under
17 subsection 1 finds that the complaint in that action was
18 made frivolously or without cause, the court may require the
19 complainant to pay the costs of the board, the court, and the
20 defendant parties.

21 Sec. 29. NEW SECTION. **68A.827 Board reports.**

22 1. The board shall report to the general assembly after each
23 election cycle.

24 2. The report shall include a detailed summary of all
25 seed money contributions, qualifying contributions, and clean
26 election campaign funding benefits received, and expenditures
27 made, by all participating candidates. The report shall also
28 include a summary and evaluation of the board's activities and
29 recommendations relating to the implementation, administration,
30 and enforcement of this subchapter.

31 Sec. 30. NEW SECTION. **68A.828 Repayments of excess
32 expenditures.**

33 1. If a participating candidate spends or obligates to spend
34 more than the clean election campaign funding the candidate
35 receives, and if such is determined not to be an amount that

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1 had or could have been expected to have a significant impact
2 on the outcome of the election, the candidate shall personally
3 repay to the voter-owned Iowa clean elections fund an amount
4 equal to the excess.

5 2. If a participating candidate spends or obligates to spend
6 more than the clean election campaign funding the candidate
7 receives, and if such is determined to be an amount that had or
8 could have been expected to have a significant impact on the
9 outcome of the election, the candidate shall personally repay
10 to the voter-owned Iowa clean elections fund an amount equal to
11 five times the value of the excess.

12 Sec. 31. NEW SECTION. 68A.829 Penalties.

13 1. A candidate shall not knowingly accept more benefits than
14 those to which the candidate is entitled, spend more than the
15 amount of clean election campaign funding received, or misuse
16 such clean election campaign funding benefits or clean election
17 campaign funding.

18 2. If a violation of subsection 1 was intentional and
19 involved an amount that had or could have been expected to
20 have a significant impact on the outcome of the election, the
21 candidate commits an aggravated misdemeanor.

22 3. If it is determined that the violation of subsection
23 1 was intentional and involved an amount that had or could
24 have been expected to have a significant impact on the
25 outcome of the election, and if, in the judgment of the
26 board, the violation is believed to have contributed to the
27 violator winning the election, the board may recommend to
28 the appropriate authority that proceedings be commenced to
29 remove the violator from office or to impeach the violator if
30 applicable.

31 4. A person shall not provide false information to the board
32 or conceal or withhold information from the board. A violation
33 of this subsection is an aggravated misdemeanor.

34 Sec. 32. NEW SECTION. 68A.830 Local provision.

35 Each city council, school board, and county board of

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1 supervisors shall have the authority to adopt and fund a
2 voter-owned Iowa clean elections fund, consistent with this
3 subchapter, for local government elections.

4 Sec. 33. Section 422.7, Code 2013, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 57. Subtract, to the extent not otherwise
7 excluded, up to two hundred dollars of the amount contributed
8 to the voter-owned Iowa clean elections fund pursuant to
9 section 68A.824, subsection 6.

10 Sec. 34. Section 422.12E, subsection 1, Code 2013, is
11 amended to read as follows:

12 1. For tax years beginning on or after January 1, 2004,
13 there shall be allowed no more than four income tax return
14 checkoffs on each income tax return. When the same four income
15 tax return checkoffs have been provided on the income tax
16 return for two consecutive years, the two checkoffs for which
17 the least amount has been contributed, in the aggregate for the
18 first tax year and through March 15 of the second tax year, are
19 repealed. This section does not apply to the income tax return
20 ~~checkoff~~ checkoffs provided in ~~section~~ sections 68A.601 and
21 68A.610.

22 Sec. 35. NEW SECTION. 422.12I Income tax checkoff for
23 voter-owned Iowa clean elections fund.

24 A person who files an individual or a joint income tax
25 return with the department of revenue under section 422.13
26 may designate a contribution to the voter-owned Iowa clean
27 elections fund authorized pursuant to section 68A.610.

28 Sec. 36. Section 556.18, subsection 2, Code 2013, is amended
29 by adding the following new paragraph:

30 NEW PARAGRAPH. e. Ten million dollars to be deposited
31 in the voter-owned Iowa clean elections fund established in
32 section 68A.823.

33 Sec. 37. Section 556.18, subsection 3, Code 2013, is amended
34 to read as follows:

35 3. The treasurer of state shall annually credit all moneys

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1 received under section 556.4 to the general fund of the state.
2 Moneys credited to the general fund of the state pursuant to
3 this subsection are subject to the requirements of subsections
4 1 and 2 and section 8.60. However, if the amount collected
5 under subsection 2, paragraph "e", does not equal ten million
6 dollars, the treasurer of state shall annually pay over an
7 amount received under section 556.4 as necessary to bring the
8 amount deposited with the voter-owned Iowa clean elections fund
9 to ten million dollars.

10 Sec. 38. SEVERABILITY. The provisions of this Act are
11 severable as provided in section 4.12.

12 Sec. 39. IMPLEMENTATION OF ACT. Section 25B.2, subsection
13 3, shall not apply to this Act.

14 Sec. 40. EFFECTIVE DATES.

15 1. Except as provided in subsection 2, this Act takes effect
16 November 14, 2016.

17 2. The following provision or provisions of this Act take
18 effect January 1, 2014:

19 a. The section of this Act enacting section 68A.610.

20 b. The section of this Act enacting section 422.12I.

21 c. The section of this Act amending section 422.7.

22 d. The section of this Act amending section 556.18.

23 EXPLANATION

24 This bill amends Code chapter 68A, relating to campaign
25 finance law, in two distinct ways: the bill creates a
26 voluntary mechanism for publicly financed elections and
27 establishes contribution limits for candidates who do not
28 participate in the public financing process.

29 The bill enacts a process for public financing for statewide
30 and legislative elections, and enacts new Code section 68A.801,
31 providing definitions for key terms related to this process.

32 New Code section 68A.823 establishes a separate,
33 nonreverting fund in the state treasury to be known as the
34 voter-owned Iowa clean elections fund (VOICE), and new Code
35 section 68A.824 provides sources of revenue for the fund.

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1 New Code sections 68A.802 and 68A.803 specify the
2 eligibility procedures for both party and independent
3 candidates to become participating candidates, and specify
4 the number of and details for collection of qualifying
5 contributions.

6 New Code section 68A.805 provides that any candidate who
7 accepts benefits during the primary election campaign period
8 must continue to comply with the requirements of the public
9 financing program, even if the candidate stops accepting
10 benefits of the program at any point during the primary or
11 general election campaign periods.

12 New Code section 68A.806 prohibits a participating candidate
13 from accepting private funding during the primary and general
14 election campaign periods other than certain permitted party
15 funding. Contributions in the name of another person are
16 prohibited and subject to payment to the board as are any
17 applicable penalties. New Code section 68A.806 directs the
18 board to issue each participating candidate a clean election
19 campaign debit card, which entitles the candidate to draw clean
20 election campaign funds in amounts specified in the bill.

21 New Code section 68A.807 establishes contribution limits for
22 those candidates who choose not to participate in the public
23 financing process.

24 New Code section 68A.808 limits political party
25 contributions and expenditures on behalf of participating
26 candidates.

27 New Code section 68A.809 limits the use of personal funds for
28 seed money or as qualifying contributions.

29 New Code section 68A.810 details the collection of private
30 contributions for use as seed money, limited by new Code
31 section 68A.809 to \$100 per individual contributor, and also
32 limited in the aggregate in differing amounts for candidates
33 for governor and lieutenant governor, for other statewide
34 candidates, for Iowa senate candidates, and for Iowa house
35 of representatives candidates. Seed money expenditures are

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1 limited to the clean election campaign qualifying period
2 and seed money contributions and expenditures must be fully
3 disclosed at the end of the public financing qualifying period.

4 New Code section 68A.812 provides for a certification
5 process after a candidate applies for public financing campaign
6 funding benefits and requires repayment of funds if eligibility
7 is revoked. The bill provides for audit and judicial review of
8 the certification decision made by the board.

9 New Code section 68A.813 provides certain benefits and
10 obligations for participating candidates, including specified
11 amounts of public funding pursuant to new Code section
12 68A.815, mandatory participation in debates pursuant to new
13 Code sections 68A.811 and 68A.822, and, pursuant to new Code
14 section 68A.817, additional limited public funding to respond
15 to certain excess expenditures by nonparticipating candidates,
16 independent expenditures, and electioneering communications
17 expenditures.

18 New Code section 68A.814 provides for a schedule of
19 payments to participating candidates, and new Code section
20 68A.815 specifies differing total amounts for primary and
21 general elections for candidates for governor and lieutenant
22 governor, for other statewide candidates, for Iowa senate
23 candidates, and for Iowa house of representatives candidates.
24 Alternate amounts are provided for uncontested races. Clean
25 election campaign funding payments must be used only for
26 campaign-related expenses, and cannot be used for payments
27 in violation of law or to repay personal or business loans,
28 expenditures, or debts, pursuant to new Code section 68A.816.

29 New Code section 68A.817 provides that nonparticipating
30 candidates must disclose within 48 hours every expenditure
31 in excess of the public financing funding allocated to the
32 candidate's participating opponent, that in the aggregate is
33 more than \$1,000. Certain other reporting requirements apply
34 during the last 20 days of a campaign.

35 All candidates must include a statement with all

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1 advertisements indicating that the candidate has approved of
2 the contents of the advertisement pursuant to new Code section
3 68A.818.

4 Persons making certain independent expenditures must
5 report such expenditures to the board, along with an affidavit
6 affirming that the expenditure has not been coordinated with
7 the candidate or party, pursuant to new Code section 68A.819.
8 Alleged violations of the coordination affirmation are subject
9 to an expedited hearing procedure.

10 Persons making certain electioneering communications must
11 also report to the board pursuant to new Code section 68A.820.

12 New Code section 68A.821 provides that the board shall
13 administer a voter information program, including establishment
14 of an advisory council, to provide voters with election-related
15 information, including a voter guide with candidate
16 biographical material, policy statements, voting records, and
17 whether the candidate funds the campaign with public or private
18 money.

19 New Code section 68A.825 provides the board with certain
20 specific enforcement powers and duties in relation to the
21 new subchapter, and new Code section 68A.827 provides for an
22 election cycle report by the board to the general assembly on
23 the public funding program.

24 New Code section 68A.826 creates a civil right of action for
25 citizens alleging that a candidate has violated the law.

26 Violations of the public funding program are subject
27 to aggravated misdemeanor penalties, pursuant to new Code
28 section 68A.829. An aggravated misdemeanor is punishable
29 by confinement for not more than two years and a fine of at
30 least \$625 but not more than \$6,250. New Code section 68A.828
31 provides for repayment of certain excess expenditures by the
32 candidate.

33 New Code sections 68A.610 and 422.12I create an income tax
34 checkoff for the voter-owned Iowa clean elections fund. This
35 checkoff allows a person to direct that \$5 of that person's

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1 state income tax liability be paid over to the Iowa voter-owned
2 clean elections fund.

3 Code section 422.7, new subsection 57, is enacted to
4 provide up to a \$200 exemption from income for purposes of the
5 individual income tax for contributions to the Iowa voter-owned
6 clean elections fund.

7 Code section 556.18 is amended to provide that \$10 million
8 shall be annually transferred from the proceeds from the sale
9 by the state of lost or unclaimed property to the voter-owned
10 Iowa clean elections fund.

11 The sections of the bill enacting the income tax checkoff,
12 the exemption from the individual income tax, and the transfer
13 in Code section 556.18 take effect January 1, 2014. The
14 remainder of the bill takes effect November 14, 2016, which
15 is the day after the 2014 general election day, to allow the
16 new system to commence with a new campaign cycle. New Code
17 section 68A.804 provides guidelines for disposition of money
18 collected by candidates prior to the effective date of the
19 public financing program.

20 The bill may include a state mandate as defined in Code
21 section 25B.3. The bill makes inapplicable Code section 25B.2,
22 subsection 3, which would relieve a political subdivision from
23 complying with a state mandate if funding for the cost of
24 the state mandate is not provided or specified. Therefore,
25 political subdivisions are required to comply with any state
26 mandate included in the bill.



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House File 450 - Introduced

HOUSE FILE 450
BY JACOBY

A BILL FOR

1 An Act relating to body piercing, body modification, and
2 tattooing, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.37, Code 2013, is amended to read as
2 follows:

3 135.37 Tattooing, body piercing, body modification — permit
4 requirement — parental consent — penalty.

5 1. A person shall not own, control and lease, act as
6 an agent for, conduct, manage, or operate an establishment
7 to practice the art of tattooing, body piercing, or body
8 modification, or engage in the practice of tattooing, body
9 piercing, or body modification, without first applying for and
10 receiving a permit from the Iowa department of ~~public health~~.

11 2. A minor shall not obtain a tattoo, or undergo a body
12 piercing or body modification, and a person shall not provide a
13 tattoo, body piercing, or body modification to a minor unless
14 parental consent has first been obtained. For the purposes of
15 this section, "minor" means an unmarried person who is under the
16 age of eighteen years. The department shall develop parental
17 consent forms and procedures for verification of the consent
18 by rule.

19 3. For the purposes of this section:

20 a. "Body modification" means for commercial purposes the
21 permanent or semipermanent deliberate altering of the human
22 body for nonmedical reasons. "Body modification" does not
23 include tattooing or body piercing.

24 b. "Body piercing" means for commercial purposes the
25 act of penetrating the skin to make a hole, mark, or scar.
26 "Body piercing" does not include the use of a mechanized,
27 presterilized, ear-piercing system that penetrates the outer
28 perimeter or lobe of the ear, or both.

29 c. "Minor" means an unmarried person who is under the age
30 of eighteen years.

31 ~~3.~~ 4. A person who fails to meet the requirements of
32 subsection 1 or a person providing a tattoo, body piercing,
33 or body modification to a minor is guilty of ~~a serious~~ an
34 aggravated misdemeanor.

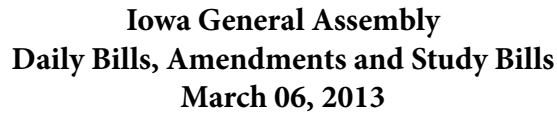
35 ~~4.~~ 5. The Iowa department of ~~public health~~ shall:

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1 a. Adopt rules pursuant to chapter 17A and establish and
2 collect all fees necessary to administer this section. The
3 provisions of chapter 17A, including licensing provisions,
4 judicial review, and appeal, shall apply to this chapter.

5 b. Establish minimum safety and sanitation criteria for the
6 operation of tattooing, body piercing, and body modification
7 establishments, in consultation with owners and operators of
8 such establishments and persons engaged in the practice of
9 tattooing, body piercing, or body modification.

23 6. 7. As necessary to avoid duplication and promote
24 coordination of public health inspection and enforcement
25 activities, the department may enter into agreements with local
26 boards of health to provide for inspection of tattooing, body
27 piercing, or body modification establishments and enforcement
28 activities in accordance with the rules and criteria
29 implemented under this section.

31 This bill modifies and expands current restrictions relating
32 to performing and receiving a tattoo, and extends them to also
33 apply to body piercing and body modification.

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1 an establishment to practice the art of tattooing, body
2 piercing, or body modification, or engage in the practice of
3 tattooing, body piercing, or body modification, without having
4 received a permit from the Iowa department of public health.
5 Additionally, a minor shall not obtain a tattoo, or undergo
6 a body piercing or body modification, and a person shall not
7 provide a tattoo, body piercing, or body modification to a
8 minor unless parental consent has first been obtained. The
9 bill provides that parental consent forms and procedures shall
10 be established by the department by rule.

11 The bill provides definitions of "body modification", "body
12 piercing", and "minor" and provides that body piercing does not
13 refer to the use of a mechanized, presterilized, ear-piercing
14 system that penetrates the outer perimeter or lobe of the ear,
15 or both.

16 The bill provides that a person who violates the provisions
17 relating to ownership or operation of an establishment, or
18 who provides a tattoo, body piercing, or body modification to
19 a minor, is guilty of an aggravated misdemeanor. Currently,
20 the corresponding penalty applicable to tattooing is a serious
21 misdemeanor. An aggravated misdemeanor is punishable by
22 confinement for no more than two years and a fine of at least
23 \$625 but not more than \$6,250.

24 The bill extends existing provisions relating to rulemaking,
25 establishment of minimum safety and sanitation criteria,
26 and issuance of an order against an establishment to not
27 operate pending corrective action by the department concerning
28 tattooing to body piercing and body modification. The bill
29 also adds a penalty of confiscation of commercial property in
30 the event of continued operation in violation of the order.



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House File 451 - Introduced

HOUSE FILE 451
BY JACOBY

A BILL FOR

1 An Act relating to the responsibilities of procurement
2 organizations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1774YH (1) 85
pf/nh



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H.F. 451

1 Section 1. Section 142C.8, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 12. A procurement organization shall
4 utilize discretion and sensitivity with respect to the
5 circumstances, views, and beliefs of the family of a donor or
6 prospective donor in all contacts with family members regarding
7 an anatomical gift.

8 EXPLANATION

9 This bill includes in the rights and duties of procurement
10 organizations, a requirement that a procurement organization
11 utilize discretion and sensitivity with respect to the
12 circumstances, views, and beliefs of the family of a donor or
13 prospective donor in all contacts with family members regarding
14 an anatomical gift. A procurement organization includes an eye
15 bank, organ procurement organization, or tissue bank.



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House File 452 - Introduced

HOUSE FILE 452
BY GAINES and ABDUL-SAMAD

A BILL FOR

1 An Act establishing Juneteenth a legal public holiday and a
2 paid holiday.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2218HH (3) 85
ec/sc



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H.F. 452

1 Section 1. Section 1C.1, Code 2013, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 5A. Juneteenth Day, the third Monday in
4 June.

5 Sec. 2. Section 1C.2, subsection 1, Code 2013, is amended by
6 adding the following new paragraph:

7 NEW PARAGRAPH. *0d.* Juneteenth Day, the third Monday in
8 June.

9 EXPLANATION

10 This bill designates the third Monday in June, Juneteenth
11 Day, as a legal public holiday and a state employee paid
12 holiday.



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House File 453 - Introduced

HOUSE FILE 453
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 123)

A BILL FOR

1 An Act relating to veterans preferences in certain appointments
2 made by counties and cities and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1442HV (1) 85
aw/sc



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H.F. 453

1 Section 1. Section 35C.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. In every public department and upon all public works in
4 the state, and of the counties, cities, and school corporations
5 of the state, veterans who are citizens and residents of the
6 United States are entitled to preference in appointment and
7 employment over other applicants of no greater qualifications.
8 The preference in appointment and employment for deputy county
9 sheriffs is the same as provided in section 341A.8A. The
10 preference in appointment and employment for employees of
11 cities under a municipal civil service is the same as provided
12 in section 400.10. For purposes of this section, "veteran"
13 means as defined in section 35.1 except that the requirement
14 that the person be a resident of this state shall not apply.

15 Sec. 2. NEW SECTION. 341A.6A **Veteran eligibility.**

16 If a veteran entitled to preference pursuant to section
17 341A.8A has been honorably discharged between forty-five
18 days before and sixty days after an examination or test is
19 administered under section 341A.6, the commission may allow
20 the veteran to be subject to such examination or testing up to
21 ninety days following the date that the original examination
22 or testing was conducted and if appropriate shall add the
23 veteran's name and address to the eligibility list for a vacant
24 position pursuant to section 341A.13.

25 Sec. 3. NEW SECTION. 341A.8A **Preferences.**

26 In all examinations and appointments under this chapter,
27 veterans who are citizens and residents of the United States,
28 shall have five percentage points added to the veteran's
29 grade or score attained in qualifying examinations or tests
30 for appointment to positions and five additional percentage
31 points added to the grade or score if the veteran has a
32 service-connected disability or is receiving compensation,
33 disability benefits, or pension under laws administered
34 by the United States department of veterans affairs. An
35 honorably discharged veteran who has been awarded the Purple

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1 Heart incurred in action shall be considered to have a
2 service-connected disability. However, the percentage points
3 shall be given only upon passing the exam and shall not be the
4 determining factor in passing. Veteran's preference percentage
5 points shall be applied once to the final scores used to rank
6 applicants for selection for an interview. For purposes of
7 this section, "veteran" means as defined in section 35.1 except
8 that the requirement that the person be a resident of this
9 state shall not apply.

10 Sec. 4. Section 400.10, Code 2013, is amended to read as
11 follows:

12 **400.10 Preferences.**

13 1. In all examinations and appointments under this chapter,
14 other than promotions and appointments of chief of the
15 police department and chief of the fire department, veterans
16 who are citizens and residents of the United States, shall
17 have five percentage points added to the veteran's grade or
18 score attained in qualifying examinations for appointment
19 to positions and five additional percentage points added to
20 the grade or score if the veteran has a service-connected
21 disability or is receiving compensation, disability benefits,
22 or pension under laws administered by the United States
23 department of veterans affairs. An honorably discharged
24 veteran who has been awarded the Purple Heart incurred in
25 action shall be considered to have a service-connected
26 disability. However, the percentage points shall be given only
27 upon passing the exam and shall not be the determining factor
28 in passing. Veteran's preference percentage points shall be
29 applied once to the final scores used to rank applicants for
30 selection for an interview. For purposes of this section,
31 "veteran" means as defined in section 35.1 except that the
32 requirement that the person be a resident of this state shall
33 not apply.

34 2. If a veteran entitled to preference pursuant to this
35 section has been honorably discharged between forty-five days

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1 before and sixty days after an examination is administered
2 pursuant to section 400.8, the commission may allow the veteran
3 to be subject to examination up to ninety days following
4 the date the original examination was administered and if
5 appropriate shall add the veteran's name to the list for
6 original appointment pursuant to section 400.11, subsection 1.

7 EXPLANATION

8 This bill relates to military veterans preferences in
9 certain appointments made by counties and cities.

10 The bill provides a preference of five percentage points
11 for veterans in the appointment of deputy sheriffs under
12 Code chapter 341A. The bill further provides an additional
13 preference of five percentage points for veterans with
14 service-connected disabilities and for veterans who have been
15 awarded the Purple Heart incurred in action. The bill also
16 provides that if a veteran is entitled to preference and has
17 been honorably discharged between 45 days before and 60 days
18 after an examination or a test is administered, the commission
19 may allow the veteran to be subject to such examination or
20 testing within 90 days following the original testing, and if
21 appropriate shall add the veteran's name and address to the
22 eligibility list for vacant positions.

23 The bill also provides that if a veteran is entitled to
24 preference in city civil service employment and has been
25 honorably discharged between 45 days before and 60 days
26 after an examination is administered, the city civil service
27 commission may allow the veteran to be subject to such
28 examination within 90 days following the original examination,
29 and if appropriate shall add the veteran's name to the list for
30 original appointment.



Iowa General Assembly
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House File 454 - Introduced

HOUSE FILE 454
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 89)

A BILL FOR

1 An Act relating to education by modifying the duties and
2 operations of the department of education, community
3 colleges, the school budget review committee, and local
4 school boards, eliminating a reporting requirement relating
5 to vocational education funds, and including applicability
6 provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1095HV (2) 85
kh/sc



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1 Section 1. Section 256.5A, Code 2013, is amended to read as
2 follows:

3 **256.5A Nonvoting member.**

4 1. a. The governor shall appoint the one nonvoting student
5 member of the state board for a term of one year ~~beginning~~
6 ~~and ending~~ if the student is enrolled in grade eleven or for
7 a term of two years if the student is enrolled in grade ten.

8 The term shall begin and end as provided in section 69.19.

9 The nonvoting student member shall be appointed from a list
10 of names submitted by the state board of education. Students
11 enrolled in either grade ten or eleven in a public school
12 may apply to the state board to serve as a nonvoting student
13 member.

14 b. The department shall develop an application process that
15 requires the consent of the student's parent or guardian if
16 the student is a minor, initial application approval by the
17 school district in which the student applicant is enrolled, and
18 submission of approved applications by a school district to the
19 department.

20 2. The nonvoting student member's school district of
21 enrollment shall notify the student's parents if the student's
22 grade point average falls during the period in which the
23 student is a member of the state board.

24 3. The state board shall adopt rules under chapter 17A
25 specifying criteria for the selection of applicants whose names
26 shall be submitted to the governor. Criteria shall include,
27 but are not limited to, academic excellence, participation
28 in extracurricular and community activities, and interest in
29 serving on the board. Rules adopted by the state board shall
30 also require, if the student is a minor, supervision of the
31 student by the student's parent or guardian while the student
32 is engaged in authorized state board business at a location
33 other than the community in which the student resides, unless
34 the student's parent or guardian submits to the state board a
35 signed release indicating the parent or guardian has determined

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1 that supervision of the student by the parent or guardian is
2 unnecessary.

3 4. The nonvoting student member appointment is not subject
4 to section 69.16 or 69.16A.

5 5. The nonvoting student member shall have been enrolled
6 in a public school in Iowa for at least one year prior to the
7 member's appointment. ~~A nonvoting student member who will not~~
8 ~~graduate from high school prior to the end of a second term may~~
9 ~~apply to the state board for submission of candidacy to the~~
10 ~~governor for a second one-year term.~~

11 6. A nonvoting student member shall be paid a per diem as
12 provided in section 7E.6 and the student and the student's
13 parent or guardian shall be reimbursed for actual and necessary
14 expenses incurred in the performance of the student's duties as
15 a nonvoting member of the state board.

16 7. A vacancy in the membership of the nonvoting student
17 member shall not be filled until the expiration of the term.

18 Sec. 2. Section 256.30, Code 2013, is amended to read as
19 follows:

20 **256.30 Educational expenses for American Indians.**

21 1. For the fiscal year beginning July 1, 2011, and ending
22 June 30, 2012, and for each succeeding fiscal year, there
23 is appropriated from the general fund of the state to the
24 department the sum of one hundred thousand dollars. The
25 department shall distribute the appropriation to the tribal
26 council of the Sac and Fox Indian settlement for expenses of
27 educating American Indian children residing in the Sac and Fox
28 Indian settlement on land held in trust by the secretary of
29 the interior of the United States in excess of federal moneys
30 paid to the tribal council for educating the American Indian
31 children ~~when moneys are appropriated for that purpose. The~~
32 ~~tribal council shall administer the moneys distributed pursuant~~
33 ~~to this section and shall submit an annual report and other~~
34 ~~reports as required by the department to the department on the~~
35 ~~expenditure of the moneys.~~

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1 2. The tribal council shall administer the moneys
2 distributed by the department pursuant to subsection 1 and
3 shall first use moneys distributed to it by the department
4 of education for the purposes of this section to pay the
5 additional costs of salaries for licensed instructional staff
6 for educational attainment and full-time equivalent years
7 of experience to equal the salaries listed on the proposed
8 salary schedule for the school at the Sac and Fox Indian
9 settlement for that school year, but the salary for a licensed
10 instructional staff member employed on a full-time basis shall
11 not be less than eighteen thousand dollars. The department of
12 management shall approve allotments of moneys appropriated in
13 and distributed pursuant to this section ~~when the department of~~
14 ~~education certifies to the department of management that the~~
15 ~~requirements of this section have been met.~~

16 Sec. 3. Section 257.6, subsection 1, paragraph a,
17 subparagraph (3), Code 2013, is amended to read as follows:
18 (3) Shared-time and part-time pupils of school age enrolled
19 in public schools within the district, irrespective of the
20 districts in which the pupils reside, in the proportion that
21 the time for which they are enrolled or receive instruction for
22 the school year is to the time that full-time pupils carrying
23 a normal course schedule, at the same grade level, in the
24 same school district, for the same school year, are enrolled
25 and receive instruction. Tuition charges to the parent or
26 guardian of a shared-time or part-time nonresident pupil shall
27 be reduced by the amount of any increased state aid received by
28 the district by the counting of the pupil. This subparagraph
29 applies to pupils enrolled in grades nine through twelve under
30 section 299A.8 and to pupils from accredited nonpublic schools
31 accessing classes or services on the accredited nonpublic
32 school premises or the school district site, but excludes
33 accredited nonpublic school pupils receiving classes or
34 services funded entirely by federal grants or allocations.

35 Sec. 4. Section 257.11, subsection 3, paragraph c, Code

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1 2013, is amended by striking the paragraph.

2 Sec. 5. Section 257.11, Code 2013, is amended by adding the
3 following new subsection:

4 NEW SUBSECTION. 7A. *District to community college*
5 *innovative sharing project.* A school district that collaborates
6 with a community college to provide pupils enrolled in the
7 school district's high school with a class that uses an
8 activities-based, project-based, and problem-based learning
9 approach that is offered through a partnership with a
10 nationally recognized provider of rigorous and innovative
11 science, technology, engineering, and mathematics curriculum
12 for schools, which provider is exempt from taxation under
13 section 501(c)(3) of the Internal Revenue Code, is eligible to
14 assign its resident pupils attending the class an additional
15 weighting of the percentage of the pupil's school day during
16 which the pupil attends a class described in this subsection
17 times seventy hundredths. To qualify for additional weighting,
18 the class must supplement, not supplant, high school courses
19 required to be offered pursuant to section 256.11, subsection
20 5.

21 Sec. 6. Section 257.37, subsection 4, Code 2013, is amended
22 to read as follows:

23 4. "*Enrollment served*" means the basic enrollment plus the
24 number of nonpublic school pupils served with media services
25 or educational services, as applicable, except that if a
26 nonpublic school pupil or a pupil attending another district
27 under a whole grade sharing agreement or open enrollment
28 receives services through an area other than the area of the
29 pupil's residence, the pupil shall be deemed to be served by
30 the area of the pupil's residence, which shall by contractual
31 arrangement reimburse the area through which the pupil actually
32 receives services. Each school district shall include in
33 the enrollment report submitted pursuant to section 257.6,
34 subsection 1, the number of nonpublic school pupils within each
35 school district for media and educational services served by

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1 the area. However, the school district shall not include in
2 the enrollment report nonpublic school pupils receiving classes
3 or services funded entirely by federal grants or allocations.

4 Sec. 7. Section 258.12, Code 2013, is amended to read as
5 follows:

6 **258.12 Custodian of funds — reports.**

7 The treasurer of state shall be custodian of the funds
8 paid to the state from the appropriations made under said Act
9 of Congress, and shall disburse the same on vouchers audited
10 as provided by law. ~~The treasurer of state shall report~~
11 ~~the receipts and disbursements of said funds to the general~~
12 ~~assembly at each biennial session.~~

13 Sec. 8. Section 259A.1, Code 2013, is amended to read as
14 follows:

15 **259A.1 Tests.**

16 The department of education shall cause to be made
17 available for qualified individuals a high school equivalency
18 diploma. The diploma shall be issued on the basis of
19 satisfactory competence as shown by tests covering all of the
20 following: reading, ~~arts~~, language arts, writing literacy,
21 mathematics, science, and social studies.

22 Sec. 9. Section 259A.2, unnumbered paragraph 2, Code 2013,
23 is amended to read as follows:

24 Application shall be made to a testing center approved by the
25 department of education, accompanied by an application fee in
26 an amount prescribed by the department. The test scores shall
27 be forwarded by the ~~testing center~~ scorer of the test to the
28 department.

29 Sec. 10. Section 273.3, subsection 12, Code 2013, is amended
30 to read as follows:

31 12. Prepare an annual budget estimating income and
32 expenditures for programs and services as provided in sections
33 273.1, 273.2, this section, sections 273.4 to 273.9, and
34 chapter 256B within the limits of funds provided under section
35 256B.9 and chapter 257. The board shall give notice of a



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1 public hearing on the proposed budget by publication in an
2 official county newspaper in each county in the territory
3 of the area education agency in which the principal place
4 of business of a school district that is a part of the area
5 education agency is located. The notice shall specify the
6 date, which shall be not later than March 1 of each year, the
7 time, and the location of the public hearing. The proposed
8 budget as approved by the board shall then be submitted to the
9 state board of education, on forms provided by the department,
10 no later than March 15 preceding the next fiscal year for
11 approval. The state board shall review the proposed budget of
12 each area education agency and shall before ~~April~~ May 1, either
13 grant approval or return the budget without approval with
14 comments of the state board included. An unapproved budget
15 shall be resubmitted to the state board for final approval not
16 later than ~~April~~ May 15. ~~For the fiscal year beginning July~~
17 ~~1, 1999, and each succeeding fiscal year, the~~ The state board
18 shall give final approval only to budgets submitted by area
19 education agencies accredited by the state board or that have
20 been given conditional accreditation by the state board.

21 Sec. 11. Section 273.13, Code 2013, is amended to read as
22 follows:

23 **273.13 Administrative expenditures.**

24 ~~During the budget year beginning July 1, 1989, and the~~
25 ~~three succeeding budget years, the board of directors of~~
26 ~~an area education agency in which the~~ The administrative
27 expenditures as a percent of the an area education agency's
28 operating general fund for a base year shall not exceed five
29 percent ~~shall reduce its administrative expenditures to five~~
30 ~~percent of the area education agency's operating fund. During~~
31 ~~each of the four years, the board of directors shall reduce~~
32 ~~administrative expenditures by twenty-five percent of the~~
33 ~~reduction in administrative expenditure required by this~~
34 ~~section. Thereafter, the administrative expenditures shall~~
35 ~~not exceed five percent of the operating fund. Annually, the~~

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1 board of directors shall certify to the department of education
2 the amounts of the area education agency's expenditures and
3 its ~~operating~~ general fund. For the purposes of this section,
4 "~~base year~~" and "~~budget year~~" ~~mean~~ means the same as defined in
5 ~~section 442.6, Code 1989, and section 257.2, and "administrative~~
6 ~~expenditures~~" means expenditures for executive administration.

7 Sec. 12. Section 273.23, subsection 5, Code 2013, is amended
8 to read as follows:

9 5. The initial board, or new board if established in time
10 under subsection 3, of the newly formed agency shall prepare an
11 annual budget estimating income and expenditures for programs
12 and services as provided in sections 273.1 through 273.9
13 and chapter 256B within the limits of funds provided under
14 section 256B.9 and chapter 257. The board shall give notice
15 of a public hearing on the proposed budget by publication in
16 an official county newspaper in each county in the territory
17 of the area education agency in which the principal place
18 of business of a school district that is a part of the area
19 education agency is located. The notice shall specify the
20 date, which shall not be later than March 1, the time, and
21 the location of the public hearing. The proposed budget as
22 approved by the board shall be submitted to the state board,
23 on forms provided by the department, no later than March 15
24 for approval. The state board shall review the proposed
25 budget of the newly formed area education agency and shall,
26 before ~~April~~ May 1, either grant approval or return the budget
27 without approval with comments of the state board included. An
28 unapproved budget shall be resubmitted to the state board for
29 final approval not later than ~~April~~ May 15. The state board
30 shall give final approval only to budgets submitted by area
31 education agencies accredited by the state board or that have
32 been given conditional accreditation by the state board.

33 Sec. 13. Section 275.23A, subsection 2, Code 2013, is
34 amended to read as follows:

35 2. Following each federal decennial census the school

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1 board shall determine whether the existing director district
2 boundaries meet the standards in subsection 1 according to
3 the most recent federal decennial census. In addition to the
4 authority granted to voters to change the number of directors
5 or method of election as provided in sections 275.35, 275.36,
6 and 278.1, the board of directors of a school district may,
7 following a federal decennial census, by resolution and in
8 accordance with this section, authorize a change in the method
9 of election as set forth in section 275.12, subsection 2, or
10 a change to either five or seven directors after the board
11 conducts a hearing on the resolution. If the board proposes to
12 change the number of directors from seven to five directors,
13 the resolution shall include a plan for reducing the number
14 of directors. If the board proposes to increase the number
15 of directors to seven directors, two directors shall be
16 added according to the procedure described in section 277.23,
17 subsection 2. If necessary, the board of directors shall
18 redraw the director district boundaries. The director district
19 boundaries shall be described in the resolution adopted by
20 the school board. The resolution shall be adopted no earlier
21 than November 15 of the second year immediately following the
22 year in which the federal decennial census is taken nor later
23 than May 15 of the ~~second~~ third year immediately following
24 the year in which the federal decennial census is taken.
25 A copy of the plan shall be filed with the area education
26 agency administrator of the area education agency in which the
27 school's electors reside. If the board does not provide for
28 an election as provided in sections 275.35, 275.36, and 278.1
29 and adopts a resolution to change the number of directors or
30 method of election in accordance with this subsection, the
31 district shall change the number of directors or method of
32 election as provided unless, within twenty-eight days following
33 the action of the board, the secretary of the board receives a
34 petition containing the required number of signatures, asking
35 that an election be called to approve or disapprove the action



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1 of the board in adopting the resolution. The petition must be
2 signed by eligible electors equal in number to not less than
3 one hundred or thirty percent of the number of voters at the
4 last preceding regular school election, whichever is greater.
5 The board shall either rescind its action or direct the
6 county commissioner of elections to submit the question to the
7 registered voters of the school district at an election held
8 on a date specified in section 39.2, subsection 4, paragraph
9 "c". If a majority of those voting on the question at the
10 election favors disapproval of the action of the board, the
11 district shall not change the number of directors or method of
12 election. If a majority of those voting on the question does
13 not favor disapproval of the action, the board shall certify
14 the results of the election to the department of management and
15 the district shall change the number of directors or method of
16 election as provided in this subsection. At the expiration of
17 the twenty-eight-day period, if no petition is filed, the board
18 shall certify its action to the department of management and
19 the district shall change the number of directors or method of
20 election as provided in this subsection.

21 Sec. 14. Section 278.1, subsection 1, paragraph e, Code
22 2013, is amended to read as follows:

23 e. Direct the transfer of any surplus in the debt service
24 fund, physical plant and equipment levy fund, or other capital
25 projects project funds, or public education and recreation levy
26 fund to the general fund.

27 Sec. 15. Section 279.30, Code 2013, is amended to read as
28 follows:

29 **279.30 Exceptions.**

30 Each payment must be made payable to the person entitled to
31 receive the money or deposited directly into an account at a
32 financial institution, as defined in section 527.2, specified
33 by the person entitled to receive the money. The board of
34 directors of a school district or an area education agency may
35 by resolution authorize the secretary, upon approval of the

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1 superintendent or designee, or administrator, in the case of
2 an area education agency, to issue payments when the board
3 of directors is not in session in payment of reasonable and
4 necessary expenses, but only upon verified bills filed with the
5 secretary or administrator, and for the payment of salaries
6 pursuant to the terms of a written contract. Each payment
7 must be made payable only to the person performing the service
8 or presenting the verified bill, and must state the purpose
9 for which the payment is issued. All bills and salaries for
10 which payments are issued prior to audit and allowance by the
11 board must be passed upon by the board of directors at the next
12 meeting and be entered in the regular minutes of the secretary.

13 Sec. 16. Section 279.42, Code 2013, is amended to read as
14 follows:

15 **279.42 Gifts to schools.**

16 The board of directors of a school district ~~which that~~
17 receives funds through ~~gifts, devises, and bequests~~ a gift,
18 devise, or bequest shall deposit ~~these the~~ funds in a trust
19 and fund, permanent fund, or agency fund and shall use ~~them~~
20 the funds in accordance with the terms of the gift, devise, or
21 bequest.

22 Sec. 17. Section 279.45, Code 2013, is amended to read as
23 follows:

24 **279.45 Administrative expenditures.**

25 ~~For the budget year beginning July 1, 1989, and each of~~
26 ~~the following three budget years, the board of directors of a~~
27 ~~school district in which the~~ The administrative expenditures
28 as a percent of the a school district's operating general fund
29 for a base year shall not exceed five percent, ~~shall reduce its~~
30 ~~administrative expenditures so that they are one-half percent~~
31 ~~less as a percent of the school district's operating fund than~~
32 ~~they were for the base year. However, a school district is~~
33 ~~not required to reduce its administrative expenditures below~~
34 ~~five percent of its operating fund. Thereafter, a school~~
35 ~~district shall not increase the percent of its administrative~~

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1 ~~expenditures compared to its operating fund.~~ Annually,
2 the board of directors shall certify to the department of
3 education the amounts of the school district's administrative
4 expenditures and its operating general fund. For the purposes
5 of this section, "*base year*" and "*budget year*" mean means
6 the same as defined in ~~section 442.6, Code 1989,~~ and section
7 257.2, and "*administrative expenditures*" means expenditures for
8 executive administration.

9 Sec. 18. Section 282.10, subsection 4, Code 2013, is amended
10 to read as follows:

11 4. A whole grade sharing agreement shall be signed by the
12 boards of the districts involved in the agreement not later
13 than February 1 of the school year preceding the school year
14 for which the agreement is to take effect. The boards of
15 the districts shall negotiate as part of the new or existing
16 agreement the disposition of ~~teacher quality~~ funding provided
17 under chapter 284.

18 Sec. 19. Section 282.20, unnumbered paragraph 3, Code 2013,
19 is amended to read as follows:

20 On or before February 15 and ~~June~~ July 15 of each year
21 the secretary of the creditor district shall deliver to the
22 secretary of the debtor district an itemized statement of such
23 tuition fees.

24 Sec. 20. Section 291.1, Code 2013, is amended to read as
25 follows:

26 **291.1 President — duties.**

27 The president of the board of directors shall preside at
28 all of its meetings, sign all contracts made by the board, and
29 appear ~~in~~ on behalf of the corporation in all actions brought
30 by or against it, unless individually a party, in which case
31 this duty shall be performed by the secretary. The president
32 or the president's designee shall sign, using an original or
33 facsimile signature, all school district ~~warrants~~ payments
34 drawn and authorize electronic funds transfers as provided by
35 law. The board of directors, by resolution, may designate an

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1 individual, who shall not be the secretary, to sign ~~warrants~~
2 payments or authorize electronic funds transfers on behalf of
3 the president.

4 Sec. 21. Section 291.6, subsection 3, Code 2013, is amended
5 by striking the subsection and inserting in lieu thereof the
6 following:

7 3. *Accounting records.* Keep an accurate accounting record
8 of each payment or electronic funds transfer from each fund
9 which shall be provided monthly to the board of directors. The
10 secretary of the creditor district shall prepare and deliver to
11 debtor districts an itemized statement of tuition fees charged
12 in accordance with sections 275.55A and 282.11, and section
13 282.24, subsection 1.

14 Sec. 22. Section 291.6, subsection 4, Code 2013, is amended
15 to read as follows:

16 4. *Claims.* Keep an accurate ~~account~~ accounting of all
17 expenses incurred by the corporation, and present the same to
18 the board for audit and payment.

19 Sec. 23. Section 291.7, Code 2013, is amended to read as
20 follows:

21 **291.7 Monthly receipts, disbursements, and balances.**

22 The secretary of each district shall file monthly with the
23 board of directors a complete statement of all receipts and
24 disbursements from ~~the various funds~~ each individual fund
25 during the preceding month, and also the balance remaining on
26 hand in ~~the various funds~~ each individual fund at the close of
27 the period covered by the statement, which monthly statements
28 shall be open to public inspection.

29 Sec. 24. Section 291.8, Code 2013, is amended by striking
30 the section and inserting in lieu thereof the following:

31 **291.8 Payments and electronic funds transfers.**

32 The secretary shall make each authorized payment,
33 countersign using an original or facsimile signature, and
34 maintain accounting records of the payments or electronic funds
35 transfers, showing the number, date, payee, originating fund,

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1 the purpose, and the amount, and shall provide to the board at
2 each regular annual meeting a copy of the accounting records
3 maintained by the secretary.

4 Sec. 25. Section 291.12, Code 2013, is amended to read as
5 follows:

6 **291.12 Duties of treasurer — ~~payment of warrants~~ receipts**
7 **and expenditures.**

8 The treasurer shall receive all moneys belonging to the
9 corporation, pay the same out only upon the order of the
10 president countersigned by the secretary, keeping and shall
11 keep an accurate account accounting record of all receipts
12 and expenditures ~~in a book provided for that purpose~~. The
13 treasurer shall register all ~~orders drawn~~ payments and
14 electronic funds transfers made and reported to the treasurer
15 by the secretary, showing the number, date, to whom drawn, the
16 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,
17 the purpose and amount.

18 Sec. 26. Section 291.14, Code 2013, is amended to read as
19 follows:

20 **291.14 Financial statement.**

21 The treasurer shall render a statement of the finances of the
22 corporation whenever required by the board, and the treasurer's
23 ~~books~~ accounting records shall always be open for inspection.

24 Sec. 27. Section 298.2, subsections 1 and 5, Code 2013, are
25 amended to read as follows:

26 1. A physical plant and equipment levy of not exceeding
27 one dollar and sixty-seven cents per thousand dollars of
28 assessed valuation in the district is established except as
29 otherwise provided in this subsection. The physical plant
30 and equipment levy consists of the regular physical plant
31 and equipment levy of not exceeding thirty-three cents per
32 thousand dollars of assessed valuation in the district and
33 a voter-approved physical plant and equipment levy of not
34 exceeding one dollar and thirty-four cents per thousand
35 dollars of assessed valuation in the district. However, the

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1 voter-approved physical plant and equipment levy may consist
2 of a combination of a physical plant and equipment property
3 tax levy and a physical plant and equipment income surtax
4 as provided in subsection 4 with the maximum amount levied
5 and imposed limited to an amount that could be raised by a
6 one dollar and thirty-four cent property tax levy. ~~The levy~~
7 ~~limitations of this subsection are subject to subsection 6.~~
8 5. a. The proposition to levy the voter-approved physical
9 plant and equipment levy is not affected by a change in
10 the boundaries of the school district, except as otherwise
11 provided in this section. If each school district involved
12 in a school reorganization under chapter 275 has adopted
13 the voter-approved physical plant and equipment levy ~~or the~~
14 ~~sixty-seven and one-half cents per thousand dollars of assessed~~
15 ~~value schoolhouse levy under section 278.1, subsection 7,~~
16 ~~Code 1989, prior to July 1, 1991,~~ and if the voters have not
17 voted upon the proposition to levy the voter-approved physical
18 plant and equipment levy in the reorganized district, the
19 existing voter-approved physical plant and equipment levy ~~or~~
20 ~~the existing schoolhouse levy, as applicable,~~ is in effect for
21 the reorganized district for the least amount and the shortest
22 time for which it is in effect in any of the districts.
23 b. ~~Authorized levies~~ An authorized levy for the period of
24 time approved ~~are~~ is not affected as a result of a failure of a
25 proposition proposed to expand the purposes for which the funds
26 may be expended.
27 Sec. 28. Section 298.2, subsection 6, Code 2013, is amended
28 by striking the subsection.
29 Sec. 29. Section 298.3, subsection 1, Code 2013, is amended
30 by adding the following new paragraph:
31 NEW PARAGRAPH. n. The purchase, lease, or lease-purchase of
32 desks, furniture, or fixtures exceeding five hundred dollars in
33 value per purchase, lease, or lease-purchase transaction. Each
34 transaction may include multiple desk, furniture, or fixture
35 units.

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1 Sec. 30. Section 298A.4, Code 2013, is amended to read as
2 follows:

3 **298A.4 Physical plant and equipment levy fund.**

4 The physical plant and equipment levy fund is a ~~special~~
5 revenue capital project fund. A physical plant and equipment
6 levy fund must be established in any school corporation which
7 levies the tax authorized, whether regular or voter-approved,
8 under section 298.2.

9 Sec. 31. Section 298A.9, Code 2013, is amended to read as
10 follows:

11 **298A.9 Capital project funds.**

12 A capital project fund must be established in any school
13 corporation which issues bonds or other authorized indebtedness
14 for capital projects or which initiates a capital project, or
15 which receives grants or other funds for capital projects.
16 Boards are authorized to establish more than one capital
17 project fund as necessary. Any balance remaining in a capital
18 project fund after the capital project is completed may be
19 retained for future capital projects in accordance with the
20 original purpose of the bond issue or voter-approved levy; or
21 may be transferred, by board resolution, to the debt service
22 fund, to the physical plant and equipment levy fund or another
23 capital project fund, or other to the fund from which the
24 surplus originated; or transferred to the general fund in
25 accordance with section 278.1, subsection 1, paragraph "e".

26 Sec. 32. Section 298A.13, Code 2013, is amended to read as
27 follows:

28 **298A.13 Trust, permanent, or agency funds.**

29 Trust, permanent, or agency funds shall be established by
30 any school corporation to account for gifts it receives to
31 be used for a particular purpose or to account for money and
32 property received and administered by the district as trustee
33 or custodian or in the capacity of an agent. Boards may
34 establish trust ~~and, permanent, or~~ agency funds as necessary.

35 Sec. 33. Section 321.375, subsection 2, Code 2013, is

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1 amended to read as follows:

2 2. Prior to hiring an applicant for a school bus driver
3 position, including a contract position, an employer shall have
4 access to and shall review the information in the Iowa court
5 information system available to the general public, the sex
6 offender registry information under section 692A.121 available
7 to the general public, the central registry for child abuse
8 information established under section 235A.14, and the central
9 registry for dependent adult abuse information established
10 under section 235B.5 for information regarding the applicant.
11 An employer shall follow the same procedure ~~every five years~~
12 upon the renewal of an employee's or contract employee's school
13 bus driver's license issued by the department of transportation
14 valid for the operation of a school bus. An employer shall
15 pay for the cost of the registry checks conducted pursuant to
16 this subsection. An employer shall maintain documentation
17 demonstrating compliance with this subsection.

18 Sec. 34. Section 423F.3, subsection 1, paragraph d, Code
19 2013, is amended by striking the paragraph.

20 Sec. 35. REPEAL. Sections 256.20, 256.21, 256.22, 256.23,
21 256.38, 297.35, and 298A.5, Code 2013, are repealed.

22 Sec. 36. APPLICABILITY. The following provision or
23 provisions of this Act apply to school budget years beginning
24 on or after July 1, 2013:

25 1. The section of this Act amending section 298.3,
26 subsection 1.

27 EXPLANATION

28 This bill makes various changes to Code provisions relating
29 to education as follows:

30 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
31 256.5A is amended to change the term of the nonvoting student
32 member of the state board of education from one year for all
33 students to one year for students in grade 11 and two years for
34 students in grade 10.

35 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30

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1 provides for the distribution and administration of moneys to
2 pay the expense of educating American Indian children residing
3 in the Sac and Fox Indian settlement. The bill eliminates
4 language that requires the tribal council to submit an annual
5 report and other reports as required to the department of
6 education on the expenditure of the moneys, and eliminates
7 language that requires the department of education to certify
8 compliance before the department of management can approve
9 allotment of the moneys.

10 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
11 257.6 is amended to specify that dual enrolled pupils in
12 grades 9 through 12 and accredited nonpublic school pupils
13 enrolled part-time in a school district are eligible to be
14 counted proportionally as shared-time or part-time pupils
15 in a school district's enrollment, but accredited nonpublic
16 pupils receiving classes or services funded entirely by federal
17 grants or allocations are not eligible to be counted in a
18 school district's enrollment. The bill makes a corresponding
19 change to the definition of "enrollment served" in Code section
20 257.37, subsection 4.

21 VOCATIONAL EDUCATION REPORT. The bill amends Code section
22 258.12 to eliminate a provision that requires the treasurer of
23 state to annually report to the general assembly the receipts
24 and disbursements of the funds paid to the state under the
25 federal Carl D. Perkins Vocational and Technical Education Act
26 of 1998.

27 HIGH SCHOOL EQUIVALENCY DIPLOMAS. The bill amends Code
28 sections 259A.1 and 259A.2 to change subjects covered by high
29 school equivalency diploma tests by eliminating arts and
30 writing and adding literacy, and to require the test scorer,
31 rather than the testing center, to forward test scores to the
32 department.

33 DISTRICT TO COMMUNITY COLLEGE INNOVATIVE SHARING
34 PROJECT. The bill separates from language that provides for
35 district-to-community college sharing and concurrent enrollment

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1 program requirements a provision assigning additional
2 supplementary weighting for high school pupils who are enrolled
3 in a class that uses an activities-based, project-based, and
4 problem-based learning approach offered through a partnership
5 with a nationally recognized nonprofit provider of rigorous and
6 innovative science, technology, engineering, and mathematics
7 curriculum for schools. The bill moves the language to a new
8 subsection of Code section 257.11 and authorizes a school
9 district to assign its resident pupils attending the class an
10 additional weighting of the percentage of the pupil's school
11 day during which the pupil attends such classes times seventy
12 hundredths.

13 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23
14 are amended to extend by one month the dates by which area
15 education agency proposed budgets must be reviewed, approved,
16 or returned by the state board and resubmitted to the state
17 board if the first submission is not approved.

18 REDISTRICTING FOLLOWING FEDERAL DECENNIAL CENSUS. Code
19 section 275.23A is amended to move the dates back by which a
20 resolution describing new director district boundaries must be
21 adopted by the school board if the school board redraws its
22 director district boundaries following the federal decennial
23 census. Currently, the resolution can be adopted no earlier
24 than November 15 of the year immediately following the year
25 in which the federal decennial census is taken nor later than
26 May 15 of the second year immediately following the year in
27 which the federal decennial census is taken. The bill moves
28 the timelines to no sooner than November 15 of the second year
29 following the federal decennial census and no later than May 15
30 of the third year following the federal decennial census.

31 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
32 279.30 is amended to allow the board of directors of a
33 school district or of an AEA to direct deposit a payment at
34 a financial institution specified by the person entitled to
35 the money. Code sections 291.1, 291.6, 291.7, 291.8, 291.12,

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1 and 291.14 are amended to replace references to "books",
2 "registers", and "warrants" with references to payments,
3 electronic funds transfers, and accounting records and to make
4 related changes.

5 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
6 amended to give school districts the option of establishing a
7 permanent fund for gifts received and to allow school districts
8 to deposit funds received from gifts, devises, and bequests
9 into a trust fund, permanent fund, or agency fund.

10 SCHOOL DISTRICT ADMINISTRATIVE EXPENDITURES. Code sections
11 273.13 and 279.45 are amended to modify language related
12 to a requirement that a school district limit its annual
13 administrative expenses to not more than 5 percent of its
14 general fund for a base year and to replace references to the
15 term "operating fund" with "general fund".

16 WHOLE GRADE SHARING AGREEMENTS. Code section 282.10 is
17 amended to provide that the boards of directors of school
18 districts must negotiate the disposition of any funding
19 provided under Code chapter 284, not solely teacher quality
20 funding.

21 TUITION FEES. The bill amends Code section 282.20 to change
22 the date by which the secretary of a creditor district must
23 deliver to the secretary of a debtor district an itemized
24 statement of the tuition fees for nonresident pupils enrolled
25 by the creditor district.

26 PHYSICAL PLANT AND EQUIPMENT LEVY. Code section 298A.4
27 is amended to describe the physical plant and equipment levy
28 fund as a "capital project fund", rather than a "special
29 revenue fund". Corresponding changes are made to Code sections
30 278.1(1)(e), 298.2(5)(a), and 298A.9, while Code sections
31 298.2(6) and 423F.3(1)(d) are stricken.

32 REVENUES FROM CERTAIN LEVIES. The bill modifies Code
33 section 298.3(1) to allow the revenue from the regular and
34 voter-approved physical plant and equipment levies to be
35 expended for the purchase, lease, or lease-purchase of desks,

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1 furniture, or fixtures exceeding \$500 in value per transaction.
2 Each transaction may include multiple units. These provisions
3 apply to school budget years beginning on or after July 1,
4 2013.

5 SCHOOL BUS DRIVERS. The bill amends Code section 321.375 to
6 provide that the employer of a school bus driver must conduct
7 a review of information in the Iowa court information system
8 and the sex offender, child abuse, and dependent adult abuse
9 registries for information about the driver upon renewal of the
10 driver's school bus driver's license. Currently, the review
11 is required to be conducted every five years upon renewal of
12 the license.

13 OTHER REPEALS. The bill repeals Code sections relating to
14 authorization sought by school districts from the department
15 of education for the maintenance of year around schools, for
16 a grant program to provide sabbaticals for teachers, for
17 an extended year school grant program, for a pilot project
18 to encourage the advancement of women and minorities to
19 administrative positions in a school district, and for the
20 development of a statewide school-to-work system. The bill
21 also repeals references to the schoolhouse tax levy and fund.



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House File 455 - Introduced

HOUSE FILE 455
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 81)

A BILL FOR

1 An Act relating to vehicular transportation for students and
2 making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 285.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Review and resolve all transportation
4 disputes between districts as provided in section 285.12A.

5 Sec. 2. NEW SECTION. 285.12A Disputes between districts.

6 In the event of a dispute between school districts regarding
7 transportation, the area education agency board shall review
8 and resolve the dispute. If the parties to the dispute are
9 located in more than one area education agency, the area
10 education agency in which the party to the dispute with the
11 greatest certified enrollment is located shall be the reviewing
12 agency. In resolving disputes between districts, the reviewing
13 agency board shall, after receiving all facts, make alterations
14 or changes as necessary to make the arrangements, designations,
15 and contracts conform to the legal and established requirements
16 and shall notify each affected local school board of the
17 decision. A party to the dispute may appeal the decision of
18 the agency board to the director of the department of education
19 in the manner provided in section 285.12 for appealing a
20 decision of an agency board. The decision of the director
21 shall be subject to judicial review in accordance with chapter
22 17A. This section shall not apply to transportation disputes
23 relating to open enrollment under section 282.18.

24 Sec. 3. Section 321.1, subsection 69, paragraph d, Code
25 2013, is amended to read as follows:

26 d. Designed to carry not more than nine persons as
27 passengers, either school owned or privately owned, which
28 are used to transport pupils to activity events in which the
29 pupils are participants or used to transport pupils to their
30 homes in case of illness or other emergency situations. The
31 vehicles operated under the provisions of this paragraph
32 shall be operated by employees of the school district who are
33 specifically approved by the local superintendent of schools
34 for the assignment and, if applicable, shall conform to the
35 minimum vehicle safety inspection standards for school buses,

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1 as prescribed in rules adopted by the state board of education.
2 The state board of education shall adopt rules for required,
3 uniform inspections of such vehicles. Such rules shall allow
4 for inspections to be conducted by qualified private automobile
5 mechanics or the department of education.

6 Sec. 4. Section 321.373, subsection 1, Code 2013, is amended
7 to read as follows:

8 1. Every school bus ~~except private passenger vehicles used~~
9 as school buses or other vehicle used to transport pupils
10 to activity events pursuant to section 321.1, subsection
11 69, paragraph "d", unless privately owned and not operated
12 for compensation, shall be constructed and equipped to meet
13 safety standards prescribed in rules adopted by the state
14 board of education. Such rules shall conform to safety
15 standards set forth in federal laws and regulations and shall
16 conform, insofar as practicable, to the minimum standards
17 for school buses recommended by the national conference on
18 school transportation administered by the national commission
19 on safety education and published by the national education
20 association.

21 Sec. 5. Section 321.376, Code 2013, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 2A. The provisions of this section relating
24 to a certificate of qualification and approved course of
25 instruction shall not apply to a person operating a vehicle
26 used to transport pupils to activity events pursuant to section
27 321.1, subsection 69, paragraph "d".

28 Sec. 6. Section 321.379, Code 2013, is amended to read as
29 follows:

30 **321.379 Violations.**

31 A school board, individual, or organization shall not
32 purchase, construct, or contract for use, to transport pupils
33 to or from school or school activities, any school bus or other
34 vehicle used to transport pupils to activity events pursuant
35 to section 321.1, subsection 69, paragraph "d", which does

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1 not comply with the minimum requirements of section 321.373
2 pertaining to such bus or vehicle, and any individual, or any
3 member or officer of such board or organization who authorizes,
4 the purchase, construction, or contract for any such bus or
5 vehicle not complying with these minimum requirements commits a
6 simple misdemeanor.

7 Sec. 7. Section 331.653, subsection 32, Code 2013, is
8 amended to read as follows:

9 32. Enforce sections 321.372 to 321.379 relating to school
10 buses and to vehicles used to transport pupils to activity
11 events pursuant to section 321.1, subsection 69, paragraph "d".

12 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance
13 with section 25B.2, subsection 3, the state cost of requiring
14 compliance with any state mandate included in this Act shall
15 be paid by a school district from state school foundation aid
16 received by the school district under section 257.16. This
17 specification of the payment of the state cost shall be deemed
18 to meet all of the state funding-related requirements of
19 section 25B.2, subsection 3, and no additional state funding
20 shall be necessary for the full implementation of this Act
21 by and enforcement of this Act against all affected school
22 districts.

23 EXPLANATION

24 This bill makes changes relating to vehicular transportation
25 for students.

26 The bill assigns to area education agencies the duty of
27 initially reviewing transportation disputes between school
28 districts and the authority to resolve such disputes. The
29 bill requires the reviewing agency board to notify each
30 affected local school board of its decision, and allows an
31 affected school district to appeal a decision to the director
32 of the department of education. The bill does not apply to
33 transportation disputes relating to open enrollment under Code
34 section 282.18.

35 The bill provides that school-owned vehicles designed to

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1 carry not more than nine persons which are used to transport
2 pupils to activity events in which students are participating
3 must conform to minimum vehicle safety inspection standards for
4 school buses as far as practicable and as set out by the state
5 board of education by rule. The bill directs the state board
6 of education to adopt rules for required, uniform inspections
7 of such vehicles. The rules must allow for inspections to be
8 conducted by qualified private automobile mechanics or the
9 department of education. The bill also provides that the
10 drivers of such vehicles, whether school-owned or privately
11 owned, are exempt from statutory requirements for a certificate
12 of qualification and an approved course of instruction that
13 apply to school bus drivers.

14 Current law provides that a school board, individual, or
15 organization must not purchase, construct, or contract for
16 use of a school bus that does not comply with minimum state
17 standards. Current law provides that any person who authorizes
18 such an action is guilty of a simple misdemeanor. The bill
19 adds certain other vehicles used to transport students to
20 school activities to those requirements. A simple misdemeanor
21 is punishable by confinement for no more than 30 days or a fine
22 of at least \$65 but not more than \$625 or by both.

23 The bill may include a state mandate as defined in Code
24 section 25B.3. The bill requires that the state cost of
25 any state mandate included in the bill be paid by a school
26 district from state school foundation aid received by the
27 school district under Code section 257.16. The specification
28 is deemed to constitute state compliance with any state mandate
29 funding-related requirements of Code section 25B.2. The
30 inclusion of this specification is intended to reinstate the
31 requirement of political subdivisions to comply with any state
32 mandates included in the bill.



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House File 456 - Introduced

HOUSE FILE 456
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 4)

A BILL FOR

1 An Act establishing a centralized state school bus purchasing
2 program administered by the department of administrative
3 services.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 8A.319 Centralized state school
2 bus purchasing program.

3 1. The department shall develop procedures and
4 specifications for the solicitation of bids for the purchase of
5 school buses, in consultation with the department of education,
6 school districts, and nonpublic schools. In soliciting bids,
7 the department shall conform to all applicable state and
8 federal laws, rules, and regulations regarding standards for
9 school buses.

10 2. As a condition of participating in the state school bus
11 purchasing program, each bidder shall agree that if the bidder
12 subsequently offers a substantially similar bid to another
13 purchaser for a lower price, the bidder's contract price with
14 the state shall be automatically reduced to match the lower
15 price.

16 3. As a condition of participating in the state school
17 bus purchasing program, each bidder shall agree to include an
18 option for school districts to trade in school buses currently
19 in use.

20 4. The department may award a contract for purchase to
21 any bidder or bidders responsive to the needs of at least
22 one school district or nonpublic school participating in the
23 program.

24 5. Participation in the state school bus purchasing program
25 by school districts and nonpublic schools is voluntary. A
26 school district or nonpublic school may accept any bid for
27 which the department awards a contract for purchase. A school
28 district or nonpublic school participating in the program shall
29 conform to all applicable local, state, and federal laws,
30 rules, and regulations regarding standards for school buses.
31 A school district or nonpublic school may participate in the
32 program in lieu of following the procedures for the purchase of
33 school buses prescribed by chapter 285.

34 6. The department, in conjunction with the department of
35 education, shall adopt rules to administer this section.

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1 Sec. 2. Section 285.10, subsection 7, paragraph b, Code
2 2013, is amended to read as follows:
3 b. By purchasing buses and entering into contracts to pay
4 for such buses in accordance with section 8A.319 or over a
5 five-year period as follows: one-fourth of the cost when the
6 bus is delivered and the balance in equal annual installments,
7 plus simple interest due. The interest rate shall be the
8 lowest rate available and shall not exceed the rate in effect
9 under section 74A.2. The bus shall serve as security for
10 balance due. Competitive bids on comparable equipment shall be
11 requested on all school bus purchases and shall be based upon
12 minimum construction standards established by the department of
13 education. Bids shall be requested unless the bus is a used or
14 demonstrator bus.

15 EXPLANATION

16 This bill establishes a centralized state school bus
17 purchasing program administered by the department of
18 administrative services. The bill directs the department
19 of administrative services to develop procedures and
20 specifications for the solicitation of bids for the purchase of
21 school buses, in consultation with the department of education,
22 school districts, and nonpublic schools. In soliciting bids,
23 the department must conform to all applicable state and federal
24 laws, rules, and regulations regarding standards for school
25 buses.

26 The bill provides that as a condition of participating in
27 the state school bus purchasing program, each bidder must agree
28 that if the bidder subsequently offers a substantially similar
29 bid to another purchaser for a lower price, the bidder's
30 contract price with the state will be automatically reduced to
31 match the lower price. The bill provides that as a condition
32 of participating in the program, each bidder must also agree to
33 include an option for school districts to trade in school buses
34 currently in use.

35 The bill provides that the department of administrative

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1 services may award a contract for purchase to any bidder or
2 bidders responsive to the needs of at least one school district
3 or nonpublic school participating in the state school bus
4 purchasing program.

5 The bill provides that participation in the state school bus
6 purchasing program by school districts and nonpublic schools
7 is voluntary. The bill provides that a school district or
8 nonpublic school may accept any bid for which the department
9 of administrative services awards a contract for purchase.

10 The bill provides that a school district or nonpublic school
11 participating in the program must conform to all applicable
12 local, state, and federal laws, rules, and regulations
13 regarding standards for school buses. The bill specifies that
14 a school district or nonpublic school may participate in the
15 program in lieu of following the procedures for the purchase of
16 school buses prescribed by Code chapter 285.

17 The bill directs the department of administrative services,
18 in conjunction with the department of education, to adopt rules
19 to administer the bill.



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House File 457 - Introduced

HOUSE FILE 457
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 97)

A BILL FOR

1 An Act providing for the leasing of agricultural land by the
2 department of natural resources to beginning farmers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **456A.38 Lease to beginning farmers**
2 **program.**
3 1. As used in this section, unless the context otherwise
4 requires:
5 *a. "Agricultural land", "authority", "beginning farmer", and*
6 *"farming"* mean the same as defined in section 175.2.
7 *b. "Program"* means the lease to beginning farmers program as
8 provided in this section.
9 2. The department of natural resources shall establish
10 and administer a lease to beginning farmers program. The
11 department shall annually lease agricultural land that it holds
12 or manages as wildlife habitat in each county to beginning
13 farmers seeking to participate in the program. The department
14 shall advertise the program in a manner that encourages wide
15 participation by beginning farmers to lease the agricultural
16 land.
17 3. The department shall establish annual lease payments
18 for available agricultural land under the program by using the
19 following criteria:
20 *a. Market factors.*
21 *b. Prior leases for the same or comparable agricultural*
22 *land.*
23 *c. The cost of establishment or maintenance of soil*
24 *conservation practices, if applicable.*
25 *d. Other criteria established by the department.*
26 4. The department shall execute a lease with a beginning
27 farmer selected to participate in the program after such person
28 has been certified by the agricultural development authority
29 as a beginning farmer who meets the requirements of the
30 authority, which shall be based on section 175.12, subsection
31 3, paragraphs *"a"*, *"c"*, *"f"*, and *"g"*.
32 5. *a.* If two or more beginning farmers seek to execute a
33 lease under the program for the same agricultural land, the
34 department shall select the beginning farmer to participate in
35 the program by drawing lots.

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1 *b.* If no beginning farmer seeks to participate in the
2 program, or no beginning farmer is found qualified to
3 participate in the program, the department shall lease
4 the agricultural land under another lease program that it
5 administers pursuant to chapter 461A, including as provided in
6 571 IAC ch. 21.

7 6. The department shall establish terms and conditions in
8 the lease for beginning farmers participating in the program.
9 The lease executed by the department under the program shall at
10 least include all of the following:

11 *a.* The number of acres leased. The department shall not
12 lease more than two hundred forty acres of agricultural land
13 to a beginning farmer for the production of crops. However,
14 this restriction does not apply to agricultural land leased for
15 grazing livestock.

16 *b.* The term of the lease. The term may be based on the
17 use of the agricultural land. A lease shall not be for more
18 than seven years. A beginning farmer shall not sublease the
19 agricultural land.

20 *c.* The required and permitted uses of the agricultural
21 land during the lease term. The department may require the
22 establishment of a conservation system, crop rotation, or
23 cover crop, if appropriate. The department may require that
24 a beginning farmer adopt generally accepted farming practices
25 or soil conservation practices, so long as such practices are
26 compatible with the department's policies related to resource
27 management and outdoor recreation.

28 7. At the end of a lease term, a beginning farmer who leased
29 agricultural land under the program is eligible to be selected
30 again to lease the same agricultural land. However, the
31 department shall provide a preference to an available beginning
32 farmer who has not previously participated in the program.

33 8. The department is not required to lease agricultural
34 land under the program that it would not otherwise lease
35 for farming. The department may lease agricultural land

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1 for farming under another lease program administered by the
2 department pursuant to its authority under chapter 461A,
3 including as provided in 571 IAC ch. 21, only after it has made
4 agricultural land available for lease to all beginning farmers
5 seeking to participate in the program.

6 9. The department shall adopt rules necessary to administer
7 this section.

8 EXPLANATION

9 The department of natural resources (DNR) currently
10 administers an agricultural lease program which allows persons
11 to farm such land under a lease term (571 IAC 21). This
12 bill requires DNR to lease agricultural land that it holds
13 or manages as wildlife habitat in each county to beginning
14 farmers.

15 Generally, a beginning farmer is an individual, partnership,
16 family farm corporation, or family farm limited liability
17 company (Code chapter 9H) with a low or moderate net worth that
18 is engaged in farming (Code section 175.2). The agricultural
19 development authority establishes net worth requirements for
20 beginning farmers each year (Code section 175.2). In 2013, the
21 authority established the maximum net worth of \$691,172 for
22 individuals participating in the beginning farmer loan program
23 (Code section 175.12).

24 The department is required to execute a lease with a
25 beginning farmer that it selects to participate in the
26 program after the beginning farmer has been certified by the
27 agricultural development authority as a beginning farmer who
28 meets the requirements of the authority, which must be based on
29 criteria in the beginning farmer loan program.

30 The bill provides that if two or more beginning farmers seek
31 to execute a lease under the program for the same agricultural
32 land, the department must select the beginning farmer by
33 conducting a drawing. The department must establish annual
34 lease payments based on market factors, prior leases for
35 the same or comparable agricultural land, and the cost of

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1 establishing soil conservation practices. The bill requires
2 that the lease include a number of conditions, including the
3 number of acres leased and the lease term. The department
4 cannot lease more than 240 acres to a beginning farmer for
5 the production of crops, and the lease's term cannot be
6 more than seven years. A beginning farmer cannot sublease
7 the agricultural land. The department may require the
8 establishment of conservation practices or the use of generally
9 accepted farming practices.

10 At the end of a lease term, a beginning farmer who leased
11 agricultural land under the program is eligible to be selected
12 again to lease the same agricultural land. However, the
13 department must provide a preference to an available beginning
14 farmer who has not previously participated in the program.

15 The bill provides that the department is not required to
16 lease agricultural land under the program that it would not
17 otherwise lease for farming. The department is required to
18 adopt rules necessary to administer this program.



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House File 458 - Introduced

HOUSE FILE 458
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 129)

A BILL FOR

1 An Act providing for the department of agriculture and land
2 stewardship's administration of programs regarding a
3 conservation practices revolving loan fund, the state
4 metrologist, pesticide regulation, and motor fuel standards,
5 and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

SOIL AND WATER CONSERVATION DISTRICTS

Section 1. Section 161A.71, subsection 1, Code 2013, is amended to read as follows:

1. The division may establish a conservation practices revolving loan fund composed of any money appropriated by the general assembly for that purpose, and of any other moneys available to and obtained or accepted by the committee from the federal government or private sources for placement in that fund. Except as otherwise provided by subsection 3, the assets of the conservation practices revolving loan fund shall be used only to make loans directly to owners of land in this state for the purpose of establishing on that land any new permanent soil and water conservation practice which the commissioners of the soil and water conservation district in which the land is located have found is necessary or advisable to meet the soil loss limits established for that land. A loan shall not be made for establishing a permanent soil and water conservation practice on land that is subject to the restriction on state cost-sharing funds of section 161A.76. Revolving loan funds and public cost-sharing funds ~~shall not~~ may be used in combination for funding a particular soil and water conservation practice. Each loan made under this section shall be for a period not to exceed ten years, shall bear no interest, and shall be repayable to the conservation practices revolving loan fund in equal yearly installments due March 1 of each year the loan is in effect. The interest rate upon loans for which payment is delinquent shall accelerate immediately to the current legal usury limit. Applicants are eligible for no more than ~~ten~~ twenty thousand dollars in loans outstanding at any time under this program. "*Permanent soil and water conservation practices*" has the same meaning as defined in section 161A.42 and those established under this program are subject to the requirements of section 161A.7, subsection 3. Loans made under this program shall come due for payment upon

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1 sale of the land on which those practices are established.

2 DIVISION II

3 WEIGHTS AND MEASURES

4 Sec. 2. Section 213.1, Code 2013, is amended to read as
5 follows:

6 213.1 State metrologist.

7 The department shall may designate one of its assistants to
8 act as state metrologist of weights and measures. All weights
9 and measures sealed by the state metrologist shall be impressed
10 with the word "Iowa."

11 DIVISION III

12 MOTOR FUEL STANDARDS

13 Sec. 3. Section 214A.1, subsection 23, Code 2013, is amended
14 to read as follows:

15 23. "*Standard ethanol blended gasoline*" means ethanol
16 blended gasoline for use in gasoline-powered vehicles ~~other~~
17 ~~than not required to be~~ flexible fuel vehicles, that meets the
18 requirements of section 214A.2.

19 Sec. 4. Section 214A.2, subsection 2, paragraphs a and b,
20 Code 2013, are amended by striking the paragraphs.

21 Sec. 5. Section 214A.2, subsection 3, paragraph b,
22 subparagraph (2), Code 2013, is amended to read as follows:

23 (2) Gasoline blended with ethanol must meet ~~any of the~~
24 ~~following requirements:~~ requirements established by rules
25 adopted in part or in whole based on

26 ~~(a) For the gasoline, A.S.T.M. international specification~~
27 ~~D4814.~~

28 ~~(b) For the ethanol blended gasoline, A.S.T.M.~~
29 ~~international specification D4814.~~

30 ~~(c) For the gasoline, A.S.T.M. international specification~~
31 ~~D4814 except for distillation, if, for E-10 or a classification~~
32 ~~below E-10, the ethanol blended gasoline meets the requirements~~
33 ~~of A.S.T.M. international specification D4814.~~

34 Sec. 6. Section 214A.2, subsection 3, paragraph b,
35 subparagraph (4), Code 2013, is amended to read as follows:

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1 (4) For standard ethanol blended gasoline, it must be
2 ethanol blended gasoline classified as any of the following:

3 (a) From E-9 or E-10 to E-15, if the ethanol blended
4 gasoline meets the standards for that classification as
5 otherwise provided in this paragraph "b".

6 (b) Higher than ~~E-10~~ E-15, if authorized by the department
7 pursuant to approval for the use of that classification of
8 ethanol blended gasoline in this state by the United States
9 environmental protection agency, by granting a waiver or the
10 adoption of regulations.

11 Sec. 7. Section 214A.7, Code 2013, is amended to read as
12 follows:

13 **214A.7 Department inspection — samples tested.**

14 The department shall, from time to time, make or cause to be
15 made tests of any motor fuel or biofuel which is being sold,
16 or held or offered for sale within this state. A departmental
17 inspector may enter upon the premises of a dealer and take from
18 any container a sample of the motor fuel or biofuel, not to
19 exceed ~~sixteen fluid ounces~~ one gallon. The sample shall be
20 sealed and appropriately marked or labeled by the inspector and
21 delivered to the department. The department shall make, or
22 cause to be made, complete analyses or tests of the motor fuel
23 or biofuel by the methods specified in section 214A.2.

24 Sec. 8. Section 214A.16, subsection 1, Code 2013, is amended
25 to read as follows:

26 1. a. If ethanol blended gasoline is sold from a motor
27 fuel pump, the motor fuel pump shall have affixed a decal
28 identifying the ethanol blended gasoline.

29 b. If the motor fuel pump dispenses ethanol blended gasoline
30 classified as E-11 to E-15 for use in gasoline-powered vehicles
31 not required to be flexible fuel vehicles, the motor fuel pump
32 shall have affixed a decal as prescribed by the United States
33 environmental protection agency.

34 c. If the motor fuel pump dispenses ethanol blended gasoline
35 classified as higher than standard ethanol blended gasoline

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1 pursuant to section 214A.2, the decal shall contain the
2 following notice:

3 FOR FLEXIBLE FUEL VEHICLES ONLY.

4 ~~b.~~ d. If biodiesel fuel is sold from a motor fuel pump,
5 the motor fuel pump shall have affixed a decal identifying the
6 biodiesel fuel as provided in 16 C.F.R. pt. 306.

7 Sec. 9. REPEAL. Section 214A.9, Code 2013, is repealed.

8

DIVISION IV

9

PESTICIDE REGULATION

10 Sec. 10. Section 206.13, subsection 2, Code 2013, is amended
11 to read as follows:

12 2. The amount of the evidence of financial responsibility
13 as provided for in this section shall be not less than ~~two~~ one
14 hundred ~~fifty~~ thousand dollars for property damage and public
15 liability insurance, each separately, or liability insurance
16 with limits of one hundred thousand dollars per occurrence and
17 three hundred thousand dollars annual aggregate. The evidence
18 of financial responsibility shall be maintained at not less
19 than that amount at all times during the licensed period. The
20 department shall be notified ten days prior to any reduction in
21 the surety bond or liability insurance made at the request of
22 the applicant or cancellation of the surety bond by the surety
23 or the liability insurance by the insurer. The department
24 shall be notified ninety days prior to any reduction of the
25 amount of the irrevocable letter of credit at the request of
26 the applicant or the cancellation of the irrevocable letter of
27 credit by the financial institution. The total and aggregate
28 liability of the surety, insurer, or financial institution for
29 all claims shall be limited to the face of the surety bond,
30 liability insurance policy, or irrevocable letter of credit.

31 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
32 Act, being deemed of immediate importance, takes effect upon
33 enactment.

34

EXPLANATION

35 GENERAL. This bill amends a number of provisions relating

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1 to the functions of the department of agriculture and land
2 stewardship.

3 DIVISION I — SOIL AND WATER CONSERVATION DISTRICTS. The
4 bill amends a provision which establishes a conservation
5 practices revolving loan fund within the soil conservation
6 division, to be used only to make loans directly to owners
7 of land for the purpose of establishing new permanent soil
8 and water conservation practices. The bill provides that
9 revolving loan fund moneys may be used in combination with
10 public cost-sharing moneys. The bill increases the amount that
11 an owner may receive under the program from \$10,000 to \$20,000.

12 DIVISION II — WEIGHTS AND MEASURES. The bill amends a
13 provision that requires the department to designate one of
14 its assistants to act as the state metrologist of weights
15 and measures. Specifically, the bill provides that such
16 designation is discretionary.

17 DIVISION III — MOTOR FUEL STANDARDS. The bill amends a
18 number of provisions relating to motor fuel standards (Code
19 section 214A.2). It eliminates octane standards for leaded
20 gasoline.

21 The bill also provides for gasoline that contains a certain
22 percentage of ethanol. Ethanol blended gasoline is designated
23 E-xx where "xx" is the volume percent of ethanol in the ethanol
24 blended gasoline.

25 Currently, the term "standard ethanol blended gasoline"
26 refers to ethanol blended gasoline that is used to power
27 vehicles other than flexible fuel vehicles (Code section
28 214A.1). Generally, standard ethanol blended gasoline must
29 contain between 9 and 10 percent ethanol by volume (so-called
30 E-10). However, it may also contain a higher percentage as
31 authorized by the department as long as it is approved by the
32 United States environmental protection agency (EPA) (Code
33 section 214A.2). The bill provides that such gasoline is for
34 use in gasoline-powered vehicles not required to be flexible
35 fuel vehicles. It also increases the percentage of ethanol

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1 allowed in standard ethanol blended gasoline to 15 percent
2 by volume (E-15). The department may still increase the
3 percentage if authorized by the department with approval by the
4 EPA.

5 The department is required to test samples of motor fuel or
6 biofuels to ensure that they comply with the standards. It
7 increases the maximum sample size from 16 fluid ounces to one
8 gallon (Code section 214A.7). The bill eliminates a provision
9 allowing a retail dealer of motor fuel to post a notice showing
10 the results of the tests (Code section 214A.9).

11 The bill amends a provision which requires a decal be affixed
12 to a motor fuel pump notifying consumers that it is dispensing
13 ethanol blended gasoline (Code section 214A.16). The bill
14 provides that a motor fuel pump dispensing ethanol blended
15 gasoline containing a percentage of ethanol ranging between 11
16 and 15 percent (E-11 to E-15) must be affixed with a decal as
17 prescribed by EPA.

18 DIVISION IV — PESTICIDE REGULATION. The bill amends a
19 provision which requires a commercial applicator of pesticides
20 to be licensed. Such person must provide evidence of financial
21 security (Code section 206.13). The evidence of financial
22 responsibility is an established amount for property damage
23 and public liability insurance. In 2012, the General Assembly
24 enacted SF 2311 (2012 Iowa Acts, chapter 1095) which increased
25 the amount from \$50,000 to \$250,000. This bill decreases that
26 amount to \$100,000 and allows for liability insurance with a
27 limit of \$100,000 per occurrence and \$300,000 annual aggregate.

28 This provision takes effect upon enactment.



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House File 459 - Introduced

HOUSE FILE 459
BY ROGERS and BERRY

A BILL FOR

1 An Act making an appropriation to the department of education
2 for purposes of high school equivalency diploma test costs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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kh/sc



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1 Section 1. Section 259A.1, Code 2013, is amended to read as
2 follows:

3 **259A.1 Tests — appropriation.**

4 1. The department of education shall cause to be made
5 available for qualified individuals a high school equivalency
6 diploma. The diploma shall be issued on the basis of
7 satisfactory competence as shown by tests covering all of the
8 following: reading, arts, language arts, writing, mathematics,
9 science, and social studies.

10 2. There is appropriated from the general fund of the state
11 to the department of education for the fiscal year beginning
12 July 1, 2013, and each succeeding fiscal year, the sum of
13 fifty thousand dollars to be allocated to community colleges
14 as provided in paragraph "a" to assist qualified individuals
15 in paying the costs of tests administered pursuant to this
16 section.

17 a. Allocation of the moneys appropriated pursuant to
18 subsection 1 shall be based upon the proportion that the sum of
19 the tests administered pursuant to this section by a community
20 college for the previous fiscal year bears to the sum of the
21 tests administered pursuant to this section by all of the
22 community colleges in the state for the previous fiscal year,
23 as reported to the department.

24 b. Notwithstanding section 8.33, moneys appropriated in this
25 subsection that remain unencumbered or unobligated at the close
26 of the fiscal year shall not revert but shall remain available
27 for expenditure for the purposes designated until the close
28 of the succeeding fiscal year, and shall not be transferred,
29 used, obligated, appropriated, or otherwise encumbered except
30 as provided in this section.

31 EXPLANATION

32 This bill appropriates \$50,000 annually from the general
33 fund of the state to the department of education to be
34 allocated to community colleges to assist qualified individuals
35 in paying the costs of tests administered for purposes of

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1 achieving a high school equivalency diploma.

2 Allocation of the moneys appropriated is based upon the
3 proportion that the sum of the high school equivalency tests
4 administered by a community college for the previous fiscal
5 year bears to the sum of the high school equivalency tests
6 administered by all of the community colleges in the state for
7 the previous fiscal year, as reported to the department.

8 Moneys appropriated that remain unencumbered or unobligated
9 at the close of the fiscal year shall not revert but shall
10 remain available for expenditure for the same purpose until
11 the close of the succeeding fiscal year, and shall not be
12 transferred, used, obligated, appropriated, or otherwise
13 encumbered for any other purpose.



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House File 460 - Introduced

HOUSE FILE 460
BY WINDSCHITL

A BILL FOR

1 An Act relating to drainage or levee districts by providing
2 for mergers, bidding requirements, the annexation of land,
3 and special agreements, and authorizing the imposition of
4 assessments upon affected landowners.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MERGER

Section 1. NEW SECTION. **468.262 Purpose.**

One or more drainage or levee districts may merge with another levee or drainage district as provided in this part in such a manner that the surviving drainage or levee district continues to exist and absorbs each old drainage or levee district which dissolves.

Sec. 2. NEW SECTION. **468.263 Requirements.**

1. In order for a merger to occur, all of the following must apply:

a. Immediately prior to the merger, all of the following conditions must be satisfied:

(1) One boundary of the proposed old drainage or levee district must completely adjoin all or part of the boundary of the proposed surviving drainage or levee district.

(2) The drainage or levee district includes a number of levees that are operating separately in a manner that does not benefit the territory served by the multiple districts.

b. Each board considering the proposed merger must determine all of the following:

(1) The merger will benefit the owners of the land of the board's district.

(2) It is in the best interests of all landowners in all proposed old drainage or levee districts and the proposed surviving district to establish a system of levees managed as part of a system.

2. A merger may occur notwithstanding that a drainage or levee district is not otherwise eligible for dissolution as provided in part 6.

Sec. 3. NEW SECTION. **468.264 Hearing.**

The boards of one or more proposed old drainage or levee districts and the board of a proposed surviving drainage or levee district may, upon respective motions, enter an order to conduct one or more hearings regarding a proposed merger. If

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1 the board of at least one proposed old district or the board of
2 the proposed surviving district orders a hearing, all of the
3 following applies:

4 1. A hearing shall be conducted within forty days after
5 the date the order to conduct the hearing is entered by that
6 district's board.

7 2. The proposed surviving drainage or levee district shall
8 immediately provide notice of each hearing. The notice may be
9 provided by any of the following:

10 a. Personal delivery to the same persons and in the same
11 manner as provided in section 468.257, subsection 2.

12 b. Publication once each week for two consecutive weeks in
13 a newspaper published in each county where the proposed old and
14 surviving drainage or levee districts are located. The notice
15 must at a minimum describe the purpose of the hearing and the
16 time and date of the hearing.

17 3. a. The boards of one or more proposed old drainage or
18 levee districts and the board of a proposed surviving drainage
19 or levee district may conduct the hearings jointly.

20 b. Nothing in this section prevents a proposed old or a
21 proposed surviving drainage and levee district board from
22 convening and conducting a hearing in a manner consistent with
23 section 468.258.

24 4. The boards of the proposed old district and the proposed
25 surviving district may vote on the question to merge. However,
26 the vote must be within forty-five days of the last hearing.

27 5. Upon the affirmative vote by the board of at least one
28 proposed old district and the board of the proposed surviving
29 district, the boards shall meet jointly to vote for the
30 adoption of a merger resolution. The resolution shall be
31 deemed disapproved unless the boards, meeting jointly, vote to
32 approve the resolution within forty-five days after the last
33 district voted to approve the merger. Any costs associated
34 with conducting a joint meeting shall be borne by the district
35 proposed to be the surviving district, regardless of the

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1 outcome of the vote.

2 Sec. 4. NEW SECTION. 468.265 Joint order for merger.

3 A merger approved by the board of at least one old drainage
4 or levee district and the board of a surviving drainage or
5 levee district as provided in this section shall be effectuated
6 according to the terms and conditions of a joint order for
7 merger entered by those boards.

8 1. The joint order shall be filed with the county auditor of
9 the county in which the surviving drainage or levee district
10 is located and noted on the drainage record in the same manner
11 as provided in section 468.258.

12 2. Upon the filing of the joint order with the county
13 auditor as provided in subsection 1, all of the following
14 applies:

15 a. The title to all real estate, other property,
16 improvement, and any right-of-way held by an old drainage or
17 levee district is vested in the surviving drainage or levee
18 district, subject to any condition which applied immediately
19 prior to the merger.

20 b. The surviving drainage or levee district assumes all
21 existing obligations of an old drainage or levee district.

22 c. A proceeding pending against an old drainage or levee
23 district may be continued as if the merger did not occur or the
24 surviving drainage or levee district may be substituted in the
25 proceeding for the old drainage or levee district.

26 d. The merger does not affect a classification of land or
27 the levy of assessments.

28 e. The original cost and the subsequent cost of improvements
29 in the old drainage or levee district shall be added to and
30 become a part of the original cost and the subsequent cost of
31 improvements in the surviving district.

32 3. The surviving drainage or levee district shall pay any
33 remaining costs associated with the merger.

34 Sec. 5. DIRECTIONS TO CODE EDITOR. The Code editor shall
35 codify the provisions of this Act as chapter 468, subchapter

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1 I, part 7.

2

DIVISION II

3

BIDDING PROCEDURES

4 Sec. 6. Section 468.34, Code 2013, is amended by striking
5 the section and inserting in lieu thereof the following:

6 **468.34 Bidding procedures — Iowa Construction Bidding**
7 **Procedures Act.**

8 When ordering the construction of an improvement under
9 this part, the board and any bidders shall comply with the
10 competitive bid requirements applicable to a governmental
11 entity ordering the construction of a public improvement in
12 chapter 26.

13 Sec. 7. Section 468.66, Code 2013, is amended to read as
14 follows:

15 **468.66 Bids required.**

16 In case the board ~~shall finally determine~~ determines that
17 ~~any such changes as defined a change described in section~~
18 ~~468.62 shall be made involving an expenditure of twenty~~
19 ~~thousand dollars or more increases the cost of the improvement~~
20 ~~to more than the competitive bid threshold as provided in~~
21 ~~section 26.3, the work shall be let by bids in the same~~
22 ~~manner as is provided for the original construction of such~~
23 ~~improvements~~ board and any bidders shall comply with the
24 competitive bid requirements applicable to a governing entity
25 ordering the construction of a public improvement in chapter
26 26.

27 Sec. 8. Section 468.126, subsection 1, paragraph c, Code
28 2013, is amended by striking the paragraph and inserting in
29 lieu thereof the following:

30 c. When ordering a repair under this section, the board and
31 any bidders shall comply with the competitive bid requirements
32 applicable to a governing entity ordering the construction of a
33 public improvement in chapter 26.

34 Sec. 9. Section 468.126, subsection 2, Code 2013, is amended
35 to read as follows:

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1 2. In the case of minor repairs not in excess of the
2 competitive bid threshold as provided in section 26.3, or in
3 the eradication of brush and weeds along the open ditches, not
4 in excess of twenty thousand dollars, where the board finds
5 that a saving to the district will result, the board may cause
6 the repairs or eradication to be done by secondary road fund
7 equipment, or weed fund equipment, and labor of the county and
8 then reimburse the secondary road fund or the weed fund from
9 the fund of the drainage district thus benefited.

10 Sec. 10. Section 468.126, subsection 4, Code 2013, is
11 amended to read as follows:

12 4. For the purpose of this subsection, an "improvement" in
13 a drainage or levee district in which any ditch, tile drain or
14 other facility has previously been constructed is a project
15 intended to expand, enlarge, or otherwise increase the capacity
16 of any existing ditch, drain, or other facility above that for
17 which it was designed.

18 a. When the board determines that ~~improvements are an~~
19 improvement is necessary or desirable, the board shall appoint
20 an engineer to make surveys as seem appropriate to determine
21 the nature and extent of the needed ~~improvements~~ improvement,
22 and to file a report showing what ~~improvements are~~ improvement
23 is recommended and ~~their~~ its estimated ~~costs~~ cost, which report
24 may be amended before final action. ~~If the estimated cost of~~
25 ~~the improvements does not exceed twenty thousand dollars, or~~
26 ~~twenty-five percent of the original cost of the district and~~
27 ~~subsequent improvements, whichever is the greater amount, the~~
28 ~~board may order the work done without notice.~~ The board shall
29 not divide proposed improvements into separate programs in
30 order to avoid the limitation for making improvements without
31 notice compliance with paragraph "b". ~~If the board deems~~
32 ~~it desirable to make improvements where the estimated cost~~
33 ~~exceeds the twenty thousand dollar or twenty-five percent~~
34 ~~limit, the board shall set a date for a hearing on the matter~~
35 ~~of constructing the proposed improvements and also on the~~

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1 ~~matter of whether there shall be a reclassification of benefits~~
2 ~~for the cost of the proposed improvements and shall give~~
3 ~~notice as provided in sections 468.14 through 468.18. At the~~
4 ~~hearing, the board shall hear objections to the feasibility~~
5 ~~of the proposed improvements and arguments for or against~~
6 ~~a reclassification presented by or for any taxpayer of the~~
7 ~~district. Following the a hearing, if required by section~~
8 ~~26.12, the board shall order that the improvements it deems~~
9 ~~desirable and feasible be made and shall also determine whether~~
10 ~~there should be a reclassification of benefits for the cost of~~
11 ~~improvements. If it is determined that a reclassification of~~
12 ~~benefits should be made, the board shall proceed as provided in~~
13 ~~section 468.38. In lieu of publishing the notice of a hearing~~
14 ~~as provided by this subsection section 362.3, the board may~~
15 ~~mail a copy of the notice to each address where a landowner in~~
16 ~~the district resides by first class mail if the cost of mailing~~
17 ~~is less than publication of the notice. The mailing shall be~~
18 ~~made during the time the notice would otherwise be required to~~
19 ~~be published.~~

20 b. When ordering the construction of an improvement under
21 this subsection, the board shall comply with the competitive
22 bid requirements applicable to a governing entity ordering the
23 construction of a public improvement in chapter 26.

24 c. If the estimated cost of the improvements as defined
25 in this subsection exceeds twenty-five thousand dollars the
26 competitive bid threshold as provided in section 26.3, or the
27 original cost of the district plus the cost of subsequent
28 improvements in the district, whichever is the greater amount,
29 a majority of the landowners, owning in the aggregate more than
30 seventy percent of the total land in the district, may file a
31 written remonstrance against the proposed improvements, at or
32 before the time fixed for hearing on the proposed improvements,
33 with the county auditor, or auditors in case the district
34 extends into more than one county. If a remonstrance is filed,
35 the board shall discontinue and dismiss all further proceedings

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1 on the proposed improvements and charge the costs incurred
2 to date for the proposed improvements to the district. Any
3 interested party may appeal from such orders in the manner
4 provided in this subchapter, parts 1 through 5. However, this
5 section does not affect the procedures of section 468.132
6 covering the common outlet.

7 Sec. 11. REPEAL. Sections 468.35 and 468.36, Code 2013,
8 are repealed.

9 DIVISION III
10 ANNEXED LAND

11 Sec. 12. Section 468.121, Code 2013, is amended to read as
12 follows:

13 **468.121 Levy Assessment levied on annexed lands.**

14 After ~~annexation is made~~ territory has been annexed by a
15 drainage or levee district, the board may levy upon the annexed
16 lands an assessment sufficient to equal the assessments for
17 benefit originally paid by the lands of equal classification
18 if the finding by the board as provided by section 468.119
19 was that the lands should have been included in the district
20 when originally established, plus their proportionate share of
21 the costs of any enlargement or extension of drains required
22 to serve the annexed lands. If the finding of the board
23 as provided in section 468.119 was based on the fact that
24 additional lands are now benefited by virtue of the repair,
25 improvement, or the change of the topographical conditions
26 made to the district and were not benefited by the district
27 as originally established, then the board shall levy upon
28 the annexed lands an assessment sufficient to pay ~~their~~ the
29 proportionate share of the costs of the repair or improvement
30 which was the basis for the lands being annexed. If the
31 board finds that the lands are presently receiving benefits
32 from the district but that some were reasonably omitted
33 from the original establishment because of the change of the
34 topographical conditions, the assessments levied upon the
35 annexed lands shall be limited to a proportionate share of

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1 the costs of current and future maintenance, repairs, and
2 improvements.

3 Sec. 13. NEW SECTION. **468.121A Ordinary and special**
4 **assessment on annexed lands.**

5 1. After annexed lands have been classified and the benefits
6 determined as provided in section 468.120, such classification
7 shall be the basis for all future assessments in the district
8 as which shall be imposed as provided in this subchapter.

9 2. In addition to the assessment described in subsection 1,
10 the board may impose a special assessment on the annexed lands
11 for the cost of improvements made within the district for not
12 longer than five years prior to the date of annexation.

13 a. In order to impose the special assessment the board
14 must approve a report by an engineer appointed by the board as
15 provided in this subchapter stating those improvements directly
16 benefiting the annexed land made within the five-year period.

17 b. The amount of the special assessment shall not exceed the
18 amount that would have been assessed if the annexed land were
19 part of the drainage or levee district during the five previous
20 years.

21 c. This board shall not impose the special assessment if
22 the annexed land is subject to an assessment levied pursuant
23 to section 468.121.

24 DIVISION IV

25 AGREEMENTS

26 Sec. 14. Section 468.187, Code 2013, is amended to read as
27 follows:

28 **468.187 Agreements with outside owners or other districts.**

29 1. Levee and drainage districts are empowered to enter into
30 agreements with the owners of lands lying inside or outside of
31 said districts, or with other levee and drainage districts or
32 municipalities, to provide levee protection or drainage for
33 such lands on such terms as the board may agree and subject to
34 the following terms and conditions:

35 ~~1.~~ a. The facilities of the district furnishing the service

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1 shall not be overburdened.

2 ~~2.~~ b. There shall be no additional cost to the district
3 furnishing the service.

4 ~~3.~~ c. The agreement shall be in writing, be made a part of
5 the drainage records and shall include all of the following:

6 ~~a.~~ (1) The description of the lands to be served~~+~~.

7 ~~b.~~ (2) The location of tile lines constructed or to be
8 constructed~~+~~.

9 ~~c.~~ (3) The consideration to be paid to the district
10 furnishing the service and the classification of the lands to
11 be served~~+~~ and.

12 ~~d.~~ (4) Such other provisions as the board deems necessary.

13 2. The provisions in an agreement described in subsection
14 1 modify other provisions of this chapter applicable to such
15 lands.

16 EXPLANATION

17 BACKGROUND. When a drainage or levee district is first
18 established, it is managed by a board of supervisors in the
19 county where the district is located or by a joint board of
20 supervisors if the district extends into more than one county
21 (Code chapter 468, subchapter I). After the district has
22 been established, the board of supervisors, or joint board of
23 supervisors, may transfer its jurisdiction to another governing
24 body, including a three-member board of elected trustees.

25 MERGER. This bill provides that one or more drainage or
26 levee districts may merge with another levee or drainage
27 district in such a manner that the surviving drainage or levee
28 district continues to exist and absorbs each old drainage
29 or levee district which dissolves. In order for a merger
30 to occur, the districts must have adjacent borders, the
31 districts must include one or more levees, and the respective
32 boards of the districts must determine that the merger will
33 benefit their district's landowners. The boards of each
34 proposed old district and the proposed surviving district
35 must conduct hearings separately or jointly. If the merger

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1 is approved by at least one proposed old district and the
2 board of the proposed surviving district, the boards must
3 meet jointly to vote for the adoption of a merger resolution.
4 The effect of the resolution is to transfer and vest to the
5 surviving district title to real estate or other property
6 and rights-of-way held by an old district. The surviving
7 district assumes all existing obligations of an old district.
8 The merger does not affect a classification of land or the
9 levy of assessments. The bill directs the Code editor to
10 organize these provisions as a new part 7 of Code chapter 468,
11 subchapter I.

12 BIDDING PROCEDURES. A number of provisions require
13 the board to advertise for bids when awarding contracts to
14 construct an improvement or make a repair. The provisions
15 usually require the board to publish a notice in a newspaper,
16 hold a hearing, opening bid responses, posting bonds, and
17 awarding contracts (Code sections 468.34 through 468.37).
18 These provisions apply if the amount of the work exceeds a
19 certain threshold (\$20,000). However, the "Iowa Construction
20 Bidding Procedures Act" (Code chapter 26) provides similar
21 requirements for a "governmental entity" defined in part to
22 mean the state, political subdivisions of the state, and all
23 boards or commissions empowered to enter into contracts for
24 the construction of public improvements. The threshold that
25 triggers those requirements is an amount in excess of \$100,000.
26 The bill requires the board to follow the competitive bid
27 requirements of Code chapter 26.

28 ANNEXED LAND — ASSESSMENTS. The bill amends provisions
29 which allow a drainage or levee district to annex territory for
30 purposes of ensuring that persons benefiting from a district
31 also pay for its maintenance (Code section 468.119). The bill
32 provides that after the annexed lands have been classified and
33 the benefits determined by the board, the classifications shall
34 be used as the basis for future assessments. In addition, the
35 board may impose a special assessment on the annexed lands

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1 for the cost of improvements made within the district for not
2 longer than five years prior to the date of annexation. The
3 amount of the special assessment cannot exceed the amount that
4 would have been assessed if the annexed lands were part of the
5 drainage or levee district during that period. A board which
6 uses this option cannot also assess the land based on current
7 law which provides that the board may impose a levy on assessed
8 land for a cost originally assumed by the district but where
9 not assessed upon the annexed land because such land was not
10 included due to oversight (Code section 468.121).

11 USE OF AGREEMENTS. The bill amends a provision that
12 authorizes the board to enter into agreements with an owner
13 of land located outside the district, or another district or
14 city, in a manner that benefits that outside party (e.g.,
15 extending levee protection) subject to a number of conditions
16 (the facilities of the district cannot be overburdened,
17 there cannot be any additional cost to the district, and the
18 agreement must be part of the district's records). The bill
19 provides that the district may enter into an agreement with an
20 owner of land located within the district. It also provides
21 that the agreement's provisions may modify any other applicable
22 provision in drainage law.



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House File 461 - Introduced

HOUSE FILE 461
BY HAGENOW

A BILL FOR

1 An Act concerning the protection of child athletes from
2 commotio cordis.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2446YH (7) 85
je/nh



Iowa General Assembly
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H.F. 461

1 Section 1. NEW SECTION. 135.30 **Commotio cordis policies.**
2 1. Annually, a private youth sports league shall provide
3 information on commotio cordis to coaches, children, and the
4 parents and guardians of children participating in high-risk
5 sports prior to the beginning of seasonal athletic practices
6 or competitions. Such information shall include all of the
7 following:
8 a. The most common causes of commotio cordis.
9 b. Appropriate actions to take in response to a suspected
10 commotio cordis episode.
11 c. Instructions for reporting commotio cordis episodes to
12 the national commotio cordis registry.
13 2. a. A private youth sports league shall develop and
14 maintain a commotio cordis emergency action plan that outlines
15 core expectations for evaluation and emergency management of
16 suspected episodes of commotio cordis in children participating
17 in high-risk sports.
18 b. A private youth sports league shall maintain at all
19 times at least one coach or other staff member or volunteer
20 who is aware of the commotio cordis emergency action plan and
21 knowledgeable in implementation of the plan. Each private
22 youth sports league shall ensure that at least one such person
23 is present at each athletic practice or competition for a
24 high-risk sport.
25 3. A private youth sports league shall report each
26 documented episode of commotio cordis to the national commotio
27 cordis registry and shall designate a person responsible for
28 such reporting.
29 4. a. A private youth sports league which acquires or uses
30 a defibrillator for the treatment of suspected commotio cordis
31 episodes shall incur no liability for such action.
32 b. Except as provided in paragraph "a", this section does
33 not create or affect liability, or immunity therefrom, for any
34 person.
35 5. For purposes of this section:

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1 *a. "Commotio cordis" means cardiac arrhythmia occurring as a*
2 *result of a sudden blow to the chest.*
3 *b. "High-risk sports" means baseball, softball, lacrosse,*
4 *soccer, ice hockey, martial arts, and other sports in which*
5 *there is a high risk of commotio cordis episodes.*
6 *c. "Private youth sports league" means a nonscholastic*
7 *organized group formed for the purpose of cross-team athletic*
8 *competition among persons under nineteen years of age that*
9 *charges a fee as a condition of participation.*
10 Sec. 2. **NEW SECTION. 280.13D Commotio cordis policies.**
11 1. Annually, a school district or nonpublic school shall
12 provide information on commotio cordis to coaches, children,
13 and the parents and guardians of children participating in
14 high-risk sports prior to the beginning of seasonal athletic
15 practices or competitions. Such information shall include all
16 of the following:
17 *a. The most common causes of commotio cordis.*
18 *b. Appropriate actions to take in response to a suspected*
19 *commotio cordis episode.*
20 *c. Instructions for reporting commotio cordis episodes to*
21 *the national commotio cordis registry.*
22 2. *a. A school district or nonpublic school shall develop*
23 *and maintain a commotio cordis emergency action plan that*
24 *outlines core expectations for evaluation and emergency*
25 *management of suspected episodes of commotio cordis in children*
26 *participating in high-risk sports.*
27 *b. A school district or nonpublic school shall maintain at*
28 *all times at least one coach or other staff member or volunteer*
29 *who is aware of the commotio cordis emergency action plan and*
30 *knowledgeable in implementation of the plan. Each school*
31 *district and nonpublic school shall ensure that at least one*
32 *such person is present at each athletic practice or competition*
33 *for a high-risk sport.*
34 3. A school district or nonpublic school shall report each
35 documented episode of commotio cordis to the national commotio

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1 cordis registry and shall designate a person responsible for
2 such reporting.

3 4. a. A school district or nonpublic school which acquires
4 or uses a defibrillator for the treatment of suspected commotio
5 cordis episodes shall incur no liability for such action.

6 b. Except as provided in paragraph "a", this section does
7 not create or affect liability, or immunity therefrom, for any
8 person.

9 5. For purposes of this section:

10 a. "*Commotio cordis*" means cardiac arrhythmia occurring as a
11 result of a sudden blow to the chest.

12 b. "*High-risk sports*" means baseball, softball, lacrosse,
13 soccer, ice hockey, martial arts, and other sports in which
14 there is a high risk of commotio cordis episodes.

15 Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance
16 with section 25B.2, subsection 3, the state cost of requiring
17 compliance with any state mandate included in this Act shall
18 be paid by a school district from state school foundation aid
19 received by the school district under section 257.16. This
20 specification of the payment of the state cost shall be deemed
21 to meet all of the state funding-related requirements of
22 section 25B.2, subsection 3, and no additional state funding
23 shall be necessary for the full implementation of this Act
24 by and enforcement of this Act against all affected school
25 districts.

26 EXPLANATION

27 This bill requires a school district, nonpublic school, or
28 private youth sports league to annually provide information
29 on commotio cordis to coaches, children, and the parents
30 and guardians of children participating in high-risk sports
31 prior to the beginning of seasonal athletic practices or
32 competitions. The information is to include the most common
33 causes of commotio cordis, appropriate actions to take
34 in response to a suspected commotio cordis episode, and
35 instructions for reporting commotio cordis episodes to the

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1 national commotio cordis registry.

2 The bill defines "commotio cordis" as cardiac arrhythmia
3 occurring as a result of a sudden blow to the chest. The
4 bill defines "private youth sports league" as a nonscholastic
5 organized group formed for the purpose of cross-team athletic
6 competition among persons under 19 years of age that charges
7 a fee as a condition of participation. The bill defines
8 "high-risk sports" as baseball, softball, lacrosse, soccer, ice
9 hockey, martial arts, and other sports in which there is a high
10 risk of commotio cordis episodes.

11 The bill requires a school district, nonpublic school, or
12 private youth sports league to develop and maintain a commotio
13 cordis emergency action plan. The school district, nonpublic
14 school, or private youth sports league shall maintain at all
15 times at least one coach or other staff member or volunteer who
16 is aware of the plan and knowledgeable in its implementation
17 and shall ensure that at least one such person is present at
18 each athletic practice or competition for a high-risk sport.

19 The bill requires a school district, nonpublic school, or
20 private youth sports league to report each documented episode
21 of commotio cordis to the national commotio cordis registry and
22 to designate a person responsible for such reporting.

23 The bill provides that a school district, nonpublic school,
24 or private youth sports league which acquires or uses a
25 defibrillator for the treatment of suspected commotio cordis
26 episodes shall incur no liability for such action. The bill
27 does not otherwise create or affect liability, or immunity
28 therefrom, for any person.

29 The bill may include a state mandate as defined in Code
30 section 25B.3. The bill requires that the state cost of
31 any state mandate included in the bill be paid by a school
32 district from state school foundation aid received by the
33 school district under Code section 257.16. The specification
34 is deemed to constitute state compliance with any state mandate
35 funding-related requirements of Code section 25B.2. The

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1 inclusion of this specification is intended to reinstate the
2 requirement of political subdivisions to comply with any state
3 mandates included in the bill.



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House File 462 - Introduced

HOUSE FILE 462
BY T. TAYLOR

A BILL FOR

1 An Act requiring the board of regents to publish an annual
2 report on overtime pay.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 262.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 38. Annually, by October 1, publish a
4 report on the board's internet site detailing the amount of
5 overtime pay paid by institutions governed by the board during
6 the previous fiscal year. The report shall include the total
7 amount of overtime pay for all institutions, as well as totals
8 for each institution, each academic department and institute
9 within an institution, each collective bargaining unit within
10 each institution, and for supervisory and nonsupervisory
11 employees.

12 EXPLANATION

13 This bill requires the board of regents to annually publish
14 by October 1 a report on the board's internet site detailing
15 the amount of overtime pay paid by institutions governed by the
16 board during the previous fiscal year. The report must include
17 the total amount of overtime pay for all institutions, as well
18 as totals for each institution, each academic department and
19 institute within an institution, each collective bargaining
20 unit within each institution, and for supervisory and
21 nonsupervisory employees.



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House File 463 - Introduced

HOUSE FILE 463

BY THEDE, ANDERSON, STECKMAN,
BERRY, ABDUL-SAMAD,
MASCHER, HUNTER, HANSON,
and KEARNS

A BILL FOR

1 An Act requiring consumer labeling information for food, and
2 including penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 189B.1 Short title.

2 This chapter shall be known and may be cited as the "*Consumer*
3 *Labeling Information for Food Act*".

4 Sec. 2. NEW SECTION. 189B.2 Purpose.

5 The purpose of this chapter is to allow Iowans greater
6 access to information about the food they and their families
7 consume, recognizing that such information is indispensable to
8 the exercise of informed consumer choice in a free and open
9 marketplace.

10 Sec. 3. NEW SECTION. 189B.3 Definitions.

11 As used in this chapter, unless the context otherwise
12 requires:

13 1. "*Department*" means the department of agriculture and land
14 stewardship.

15 2. "*Food item*" means any raw, cooked, or processed edible
16 substance used or intended for use or sale in whole or in part
17 for human consumption.

18 3. "*Genetic engineering*" means the process of altering an
19 organism's genetic material by the application of in vitro
20 nucleic acid techniques or the fusion of cells in a manner
21 that does not occur by natural multiplication or natural
22 recombination.

23 Sec. 4. NEW SECTION. 189B.4 Labeling standards.

24 1. a. A person manufacturing a packaged food item shall
25 disclose whether the food item was or may have been subjected
26 to genetic engineering when produced.

27 b. A person selling an unpackaged food item on a retail
28 basis shall disclose whether the food item was or may have been
29 subjected to genetic engineering when produced.

30 2. The disclosure required in subsection 1 shall be printed
31 on a label. To every extent possible, the label shall be
32 placed in a clear and conspicuous manner on or in proximity to
33 the food item.

34 a. The label for a packaged food item shall resemble a
35 label listing food ingredients required for that food item or

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1 comparable food item pursuant to 21 C.F.R. pt. 101.

2 **b.** The label for an unpackaged food item shall be consistent
3 with the labeling for bulk containers as provided in 21 C.F.R.
4 § 101.100 et seq.

5 Sec. 5. NEW SECTION. **189B.5 Exception for small businesses.**

6 This chapter does not apply to a person who is a small
7 business as defined in section 15.102.

8 Sec. 6. NEW SECTION. **189B.6 Rules.**

9 The department shall adopt rules as necessary to implement
10 and enforce this chapter. The department may adopt rules
11 establishing labeling standards for specific food items, or a
12 category of food items, that differ from the labeling standards
13 provided in section 189B.4 as long as such standards provide
14 reasonable notice to the consumer of the information required
15 to be disclosed pursuant to that section.

16 Sec. 7. NEW SECTION. **189B.7 Penalties.**

17 1. A person manufacturing a packaged food item who fails to
18 comply with the labeling standards in section 189B.4 is subject
19 to a civil penalty of not more than one hundred dollars for
20 each packaged food item that is unlabeled and ultimately sold
21 or offered for sale on a retail basis in this state. However,
22 the person shall not be subject to a civil penalty of more
23 than ten thousand dollars for the sale or offer for sale of a
24 single manufactured lot of packaged food items, if the person
25 did not know that the packaged food items were subjected to
26 genetic engineering or the failure to comply with the labeling
27 standards was due to a malfunction of the manufacturing process
28 or inadvertence.

29 2. A person selling or offering to sell an unpackaged
30 food item on a retail basis and who fails to comply with
31 the labeling standards in section 189B.4 is subject to a
32 civil penalty of not more than one hundred dollars for each
33 unpackaged food item that is unlabeled and sold or offered
34 for sale on a retail basis in this state. However, the
35 person shall not be subject to a civil penalty of more than

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1 one thousand dollars for the sale or offer for sale of a
2 single container of unpackaged food items, if the person did
3 not know that the unpackaged food items were subjected to
4 genetic engineering or the failure to comply with the labeling
5 standards was due to inadvertence.

6 EXPLANATION

7 This bill requires food items to be labeled with information
8 that identifies the food items as genetically modified. The
9 department of agriculture and land stewardship is responsible
10 for administering and enforcing the bill's provisions. A
11 person manufacturing a packaged food item must disclose whether
12 it was or may have been subjected to genetic engineering
13 when produced, and a person selling an unpackaged food item
14 on a retail basis must disclose whether it was or may have
15 been subjected to genetic engineering when produced. The
16 disclosure must appear on a printed label and either affixed
17 to a packaged food item or placed near a container holding
18 unpackaged food items. The label must be based on federal
19 ingredient labeling standards unless the department establishes
20 alternative standards. The bill creates an exception for a
21 small business which has either fewer than 20 employees or
22 an annual gross income of less than \$4 million. A person
23 manufacturing a packaged food item who fails to comply with
24 the labeling standards, or a person selling or offering to
25 sell an unpackaged food item on a retail basis and who fails
26 to comply with the labeling standards, is subject to civil
27 penalties. The civil penalty equals \$100 per food item that is
28 not labeled in compliance with the bill's provisions. However,
29 under certain circumstances a manufacturer's civil penalty is
30 capped at \$10,000 for the sale or offer for sale of a single
31 manufactured lot of packaged food items and a retail dealer's
32 civil penalty is capped at \$1,000 for the sale or offer for
33 sale of a single container of unpackaged food items.



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House File 464 - Introduced

HOUSE FILE 464
BY KOESTER

A BILL FOR

1 An Act providing for an individual and corporate income tax
2 credit for contributions made to certain home school grant
3 organizations and including effective date and applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **422.11R Home school grant**
2 **organization tax credit.**
3 1. For purposes of this section:
4 *a. "Certified enrollment"* means the number of eligible
5 children that are currently receiving competent private
6 instruction from the qualified instructor submitting a
7 participation form pursuant to subsection 6, paragraph "d".
8 *b. "Competent private instruction"* means the same as
9 provided in section 299A.1.
10 *c. "Eligible child"* means a child of compulsory attendance
11 age who is under competent private instruction and who is a
12 member of a household whose total annual income during the
13 calendar year before the child receives a home school grant
14 for purposes of this section does not exceed an amount equal
15 to three times the most recently published federal poverty
16 guidelines in the federal register by the United States
17 department of health and human services.
18 *d. "Home school grant"* means a grant to an eligible child to
19 cover the qualified educational expenses of the eligible child.
20 *e. "Home school grant organization"* means a charitable
21 organization in this state qualifying under section 501(c)(3)
22 of the Internal Revenue Code as an organization that is exempt
23 from federal taxation under section 501(a) of the Internal
24 Revenue Code and that does all of the following:
25 (1) Allocates at least ninety percent of its annual revenue
26 in home school grants for eligible children to allow them to
27 receive competent private instruction of their parents' choice.
28 (2) Awards home school grants only to eligible children who
29 reside in Iowa.
30 (3) Provides home school grants to eligible children
31 without limiting availability to only children of one home.
32 (4) Prepares an annual financial statement certified by a
33 public accounting firm.
34 *f. "Qualified educational expenses"* means expenses incurred
35 by a parent or guardian that are directly related to providing

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1 competent private instruction for the eligible child under
2 chapter 299A. *"Qualified educational expenses"* includes but is
3 not limited to textbooks, payment to a licensed or accredited
4 tutor or practitioner, curriculum materials, tuition or fees
5 for live or online education programs, education materials and
6 services for an eligible child with disabilities, standardized
7 test fees, transportation expenses, and computer and internet
8 access fees.

9 *g. "Qualified instructor"* means a person who is providing
10 competent private instruction, as defined in section 299A.1,
11 in this state.

12 *h. "Total approved tax credits"* means for tax years
13 beginning on or after January 1, 2014, eight million seven
14 hundred fifty thousand dollars.

15 2. The taxes imposed under this division, less the credits
16 allowed under section 422.12, shall be reduced by a home school
17 grant organization tax credit equal to sixty-five percent of
18 the amount of the voluntary cash or noncash contributions
19 made by the taxpayer during the tax year to a home school
20 grant organization, subject to the total dollar value of
21 the organization's tax credit certificates as computed in
22 subsection 7. The tax credit shall be claimed by use of a tax
23 credit certificate as provided in subsection 6.

24 3. To be eligible for the credit, all of the following shall
25 apply:

26 *a.* A deduction pursuant to section 170 of the Internal
27 Revenue Code for any amount of the contribution is not taken
28 for state tax purposes.

29 *b.* The contribution does not designate that any part of the
30 contribution be used for the direct benefit of any dependent
31 of the taxpayer or any other eligible child designated by the
32 taxpayer.

33 *c.* The value of a noncash contribution shall be appraised
34 pursuant to rules of the director.

35 4. Any credit in excess of the tax liability is not

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1 refundable but the excess for the tax year may be credited to
2 the tax liability for the following five tax years or until
3 depleted, whichever is the earlier.

4 5. Married taxpayers who file separate returns or file
5 separately on a combined return form must determine the tax
6 credit under subsection 2 based upon their combined net income
7 and allocate the total credit amount to each spouse in the
8 proportion that each spouse's respective net income bears to
9 the total combined net income. Nonresidents or part-year
10 residents of Iowa must determine their tax credit in the ratio
11 of their Iowa source net income to their all source net income.
12 Nonresidents or part-year residents who are married and elect
13 to file separate returns or to file separately on a combined
14 return form must allocate the tax credit between the spouses
15 in the ratio of each spouse's Iowa source net income to the
16 combined Iowa source net income of the taxpayers.

17 6. a. In order for the taxpayer to claim the home school
18 grant organization tax credit, a tax credit certificate issued
19 by the home school grant organization to which the contribution
20 was made shall be attached to the person's tax return. The tax
21 credit certificate shall contain the taxpayer's name, address,
22 tax identification number, the amount of the contribution, the
23 amount of the credit, and other information required by the
24 department.

25 b. The department shall authorize a home school grant
26 organization to issue tax credit certificates for contributions
27 made to the home school grant organization. The aggregate
28 amount of tax credit certificates that the department shall
29 authorize for a home school grant organization for a tax
30 year shall be determined for that organization pursuant to
31 subsection 7. However, a home school grant organization shall
32 not be authorized to issue tax credit certificates unless the
33 organization is controlled by a board of directors consisting
34 of at least seven members. The names and addresses of the
35 members shall be provided to the department and shall be made

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1 available by the department to the public, notwithstanding any
2 state confidentiality restrictions.

3 *c.* Pursuant to rules of the department, a home school grant
4 organization shall initially register with the department. The
5 organization's registration shall include proof of section
6 501(c)(3) status and provide a detailed description of the
7 geographic area the home school grant organization serves.
8 Once the home school grant organization has registered, it is
9 not required to subsequently register unless the geographic
10 area it serves changes.

11 *d.* Each qualified instructor that desires to be served by
12 a home school grant organization shall submit a participation
13 form annually to the department by November 1 providing the
14 following information:

15 (1) Certified enrollment as of October 1, or the first
16 Monday in October if October 1 falls on a Saturday or Sunday.

17 (2) The home school grant organization that represents the
18 qualified instructor. A qualified instructor shall only be
19 represented by one home school grant organization.

20 7. *a.* Each year by December 1, the department shall
21 authorize home school grant organizations to issue tax
22 credit certificates for the following tax year. Tax credit
23 certificates available for issue by each home school grant
24 organization shall be determined in the following manner:

25 (1) Total the certified enrollment of each participating
26 qualified instructor to arrive at the total participating
27 certified enrollment.

28 (2) Determine the per eligible child tax credit available
29 by dividing the total approved tax credits by the total
30 participating certified enrollment.

31 (3) Multiply the per eligible child tax credit by the
32 total participating certified enrollment of each home school
33 assistance organization.

34 *b.* For purposes of calculating certified enrollment in
35 this subsection, an eligible child receiving competent private

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1 instruction from more than one qualified instructor shall
2 only be counted once. In the event an eligible child is
3 included in the certified enrollment of multiple qualified
4 instructors being represented by different home school grant
5 organizations, that eligible child shall be counted in the
6 certified enrollment of the qualified instructor providing the
7 greatest percentage of competent private instruction to the
8 eligible child.

9 8. A home school grant organization that receives a
10 voluntary cash or noncash contribution pursuant to this
11 section shall report to the department, on a form prescribed
12 by the department, by January 12 of each tax year, all of the
13 following information:

14 a. The name and address of the members and the chairperson
15 of the governing board of the home school grant organization.

16 b. The total number and dollar value of contributions
17 received and the total number and dollar value of the tax
18 credits approved during the previous tax year.

19 c. A list of the individual donors for the previous tax year
20 that includes the dollar value of each donation and the dollar
21 value of each approved tax credit.

22 d. The total number of eligible children utilizing home
23 school grants for the school year in progress and the total
24 dollar value of the grants.

25 e. The name and address of each qualified instructor
26 for which home school grants are currently being utilized,
27 detailing the number of eligible students and the total dollar
28 value of grants being utilized for each qualified instructor
29 served by a home school grant organization.

30 Sec. 2. Section 422.33, Code 2013, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 30. The taxes imposed under this division
33 shall be reduced by a home school grant organization tax
34 credit allowed under section 422.11R. The maximum amount of
35 tax credits that may be approved under this subsection for a



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1 tax year equals twenty-five percent of the home school grant
2 organization's tax credits that are authorized pursuant to
3 section 422.11R, subsection 7, for a tax year.

4 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

6 Sec. 4. APPLICABILITY. This Act applies to tax years
7 beginning on or after January 1, 2014.

8 EXPLANATION

9 This bill creates a nonrefundable individual and corporate
10 income tax credit equal to 65 percent of the voluntary
11 contributions made to a home school grant organization.
12 "Home school grant organization" is defined in the bill
13 as a 501(c)(3) tax-exempt charitable organization in Iowa
14 that allocates at least 90 percent of its annual revenue to
15 providing home school grants to Iowa children of compulsory
16 attendance age who are under competent private instruction and
17 who are members of households that have total annual incomes of
18 less than three times the federal poverty level. Additionally,
19 a home school grant organization must not limit availability
20 of grants to only children of one home, and must prepare an
21 annual financial statement certified by a public accounting
22 firm. "Home school grants" are grants to eligible children,
23 as defined in the bill, to cover expenses, including those
24 specified in the bill, incurred by a parent or guardian that
25 are directly related to providing competent private instruction
26 under Code chapter 299A.

27 Contributions may not be deducted as a charitable deduction
28 for state tax purposes or be designated for the direct benefit
29 of the taxpayer's dependents or any other eligible child
30 designated by the taxpayer.

31 A home school grant organization is required to register
32 with the department of revenue and shall be authorized to
33 issue tax credit certificates in amounts equal to the total
34 certified enrollment of the qualified instructors served by
35 the organization multiplied by a per eligible student tax

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1 credit amount. The amount is determined by dividing the total
2 approved tax credits (\$8.75 million per year) by the total
3 certified enrollment of all qualified instructors served by
4 home school grant organizations. For purposes of calculating
5 the credit amount per home school grant organization, an
6 eligible child may only be counted once. If the eligible child
7 is included in the certified enrollment of multiple qualified
8 instructors being represented by different home school grant
9 organizations, the eligible child shall be counted in the
10 certified enrollment of the qualified instructor providing
11 the greatest percentage of competent private instruction to
12 the eligible child. "Certified enrollment" and "qualified
13 instructor" are both defined in the bill.

14 The tax credit is claimed by attaching the tax credit to
15 the taxpayer's income tax return. Any credit in excess of the
16 taxpayer's tax liability may be carried forward for a period
17 of five years.

18 The total home school grant organization tax credits that
19 may be approved in a tax year for the corporate income tax
20 cannot exceed 25 percent of the total credits authorized for
21 all home school grant organizations for a tax year.

22 Home school grant organizations are required to report
23 to the department of revenue information related to the
24 organization's governing board, the amount of contributions
25 received and the names of donors, the name and address of each
26 qualified instructor, the number of eligible children utilizing
27 grants, and the total amount of the grants.

28 The bill takes effect upon enactment and applies to tax years
29 beginning on or after January 1, 2014.



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House File 465 - Introduced

HOUSE FILE 465
BY HANSON

A BILL FOR

1 An Act relating to customer choice regarding the installation
2 of certain public utility meters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 476.6, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 23. *a.* On and after July 1, 2013, a
4 public utility shall not install a smart meter at a customer's
5 residence or place of business without first providing the
6 customer the opportunity to consent to the installation or to
7 refuse such consent, and shall offer to remove a smart meter
8 free of charge which was installed without the customer being
9 provided that opportunity. A public utility shall not offer to
10 provide or provide discounted rates to customers in exchange
11 for obtaining the customer's consent to install a smart meter,
12 and shall not charge a fee, assessment, or higher rate to
13 customers choosing not to consent to such an installation. The
14 board shall adopt rules to implement this subsection.

15 *b.* For the purposes of this subsection, "*smart meter*"
16 means a public utility meter which is interconnected through a
17 secured internet network connection, telephone connection, or
18 radio frequency connection between a customer's residence or
19 business and the public utility, facilitating more accurate and
20 accessible information regarding energy, water, or gas usage;
21 peak event notifications; and reports and savings summaries.

22 EXPLANATION

23 This bill provides that on and after July 1, 2013, a public
24 utility shall not install a smart meter at a customer's
25 residence or place of business without first providing the
26 customer the opportunity to consent to the installation or to
27 refuse such consent, and shall offer to remove a smart meter
28 free of charge which was installed without the customer being
29 provided that opportunity. The bill also provides that a
30 public utility shall not offer to provide or provide discounted
31 rates to customers in exchange for obtaining the customer's
32 consent to install a smart meter, and shall not charge a fee,
33 assessment, or higher rate to customers choosing not to consent
34 to such an installation. The bill directs the Iowa utilities
35 board to adopt rules to implement the bill's provisions.

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1 The bill defines a "smart meter" to mean a public utility
2 meter which is interconnected through a secured internet
3 network connection, telephone connection, or radio frequency
4 connection between a customer's residence or business and the
5 public utility, facilitating more accurate and accessible
6 information regarding energy, water, or gas usage; peak event
7 notifications; and reports and savings summaries.



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House File 466 - Introduced

HOUSE FILE 466
BY GASSMAN

A BILL FOR

1 An Act increasing the amount of total approved tax credits for
2 purposes of the school tuition organization tax credit.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422.11S, subsection 7, paragraph a,
2 subparagraph (2), Code 2013, is amended to read as follows:
3 (2) "*Total approved tax credits*" means for the tax year
4 beginning in the 2006 calendar year, two million five hundred
5 thousand dollars, for the tax year beginning in the 2007
6 calendar year, five million dollars, and for tax years
7 beginning on or after January 1, 2008, but before January 1,
8 2012, seven million five hundred thousand dollars. ~~However,~~
9 for tax years beginning on or after January 1, 2012, ~~"total~~
10 ~~approved tax credits"~~ means but before January 1, 2014, eight
11 million seven hundred fifty thousand dollars, and for tax years
12 beginning on or after January 1, 2014, fifteen million dollars.

13 EXPLANATION

14 This bill increases the total approved school tuition
15 organization tax credits that may be issued per year to \$15
16 million from \$8.75 million for tax years beginning on or after
17 January 1, 2014.

18 The school tuition organization tax credit is an income
19 tax credit allowed for voluntary contributions to certain
20 private nonprofit school tuition organizations that award
21 tuition scholarships to eligible students to attend accredited
22 nonpublic elementary or secondary schools in this state.



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House File 467 - Introduced

HOUSE FILE 467
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 157)

A BILL FOR

1 An Act providing for a cow-calf credit and refund, providing
2 for an appropriation, and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 422.120 Definitions.
2 As used in this division, unless the context otherwise
3 requires:
4 1. "*Cow-calf operation*" means an animal feeding operation as
5 defined in section 459.102 that is located in this state and
6 that keeps qualified cattle.
7 2. "*Cow-calf refund claim*" means a cow-calf credit
8 calculated as provided in section 422.121 and claimed as a
9 refund pursuant to section 422.123.
10 3. "*Credit*" means the cow-calf credit as provided in section
11 422.121.
12 4. "*Qualified cattle*" means any of the following:
13 a. A mature beef cow bred or for breeding.
14 b. A bred yearling heifer.
15 c. A breeding bull.
16 Sec. 2. NEW SECTION. 422.121 Cow-calf credit — allowed —
17 calculation.
18 1. There is allowed a state credit for cow-calf operations
19 located in this state. The credit calculated under this
20 section shall be filed with the department as a cow-calf refund
21 claim pursuant to section 422.123.
22 2. A taxpayer claiming the cow-calf credit must calculate
23 the taxpayer's qualifying taxable income.
24 a. The credit shall be available to an individual or
25 corporate taxpayer if the taxpayer's federal taxable income is
26 not more than one hundred forty-four thousand three hundred
27 fifty-eight dollars for the tax year. In the case of married
28 taxpayers, their combined federal taxable income shall be not
29 more than that same amount for the tax year.
30 b. For each subsequent tax year, the maximum taxable income
31 amount specified in paragraph "a" shall be multiplied by the
32 cumulative index factor for that tax year. "*Cumulative index*
33 *factor*" means the product of the annual index factor for the
34 2014 calendar year and all annual index factors for subsequent
35 calendar years. The cumulative index factor applies to all tax

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1 years beginning on or after January 1 of the calendar year for
2 which the latest annual index factor has been determined.

3 c. The annual index factor for the 2014 calendar year is
4 one hundred percent. For each subsequent calendar year, the
5 annual index factor equals the annual inflation factor for
6 that calendar year as computed in section 422.4, subsection 1,
7 paragraph "a", for purposes of the individual income tax.

8 3. a. The amount of the credit equals eleven dollars and
9 fifteen cents for each head of qualified livestock kept as part
10 of the cow-calf operation.

11 b. In calculating the cow-calf credit as provided in
12 paragraph "a", only those qualified cattle that are kept at the
13 cow-calf operation on July 1 through December 31 of the tax
14 year are counted.

15 4. If the cow-calf operation is carried on partly within and
16 partly outside the state, the portion of the cow-calf operation
17 attributable to this state shall be determined pursuant to
18 rules adopted by the department. The department may adjust the
19 allocation upon request of the taxpayer in order to reflect the
20 actual cow-calf operation carried on within this state.

21 5. A person who fraudulently claims a cow-calf credit under
22 this section shall forfeit any right to be paid for a refund
23 claim or interest on a refund claim as provided in section
24 422.123 in subsequent tax years.

25 Sec. 3. NEW SECTION. 422.122 **Appropriation — limitation.**

26 There is appropriated annually from the general fund of the
27 state four million dollars to refund cow-calf credits allowed
28 under section 422.123.

29 Sec. 4. NEW SECTION. 422.123 **Refund of eligible cow-calf**
30 **credit claims.**

31 1. A taxpayer may file a cow-calf credit refund claim as
32 calculated pursuant to section 422.121.

33 2. Each tax year the total amount paid to taxpayers filing
34 eligible cow-calf credit refund claims as calculated pursuant
35 to section 422.121 shall not exceed the amount appropriated by

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1 the general assembly pursuant to section 422.122.
2 a. If the total dollar amount of refund claims exceeds that
3 appropriated amount, each refund claim shall be paid an amount
4 equal to the appropriated amount divided by the total number of
5 refund claims. However, a taxpayer shall not be paid an amount
6 that exceeds the taxpayer's refund claim. Remaining moneys
7 shall be prorated among those refund claims not paid in full in
8 the proportion that each such claim bears to the total amount
9 of such refund claims not paid in full.
10 b. In the case where a taxpayer's refund claim is not paid
11 in full, the amount of the refund claim to which the taxpayer
12 is entitled to be paid is the amount computed in paragraph
13 "a", and paid to the taxpayer. The taxpayer is not entitled
14 to be paid for any unpaid portion of a refund claim and is not
15 entitled to carry forward or backward to another tax year any
16 unpaid portion of a refund claim.
17 c. A taxpayer shall not use a paid refund claim as an
18 estimated payment for the succeeding tax year.
19 3. A taxpayer must file a cow-calf credit refund claim
20 within ten months from the last day of the taxpayer's tax year.
21 An extension for filing shall not be allowed.
22 a. The department shall determine by February 28 of the
23 calendar year following the calendar year in which the refund
24 claims were filed if the total amount of refund claims exceeds
25 the amount appropriated pursuant to section 422.122.
26 b. If a refund claim is not payable on February 28 because
27 the taxpayer is a fiscal year filer, the claim shall be
28 considered as a claim filed for the following tax year.
29 4. A refund claim shall be made on forms made available
30 by the department and filed in a manner and according to
31 procedures required by the department. In order for a taxpayer
32 to have a valid refund claim, the taxpayer must supply legible
33 copies of documents as determined necessary by the department
34 to verify the refund claim's accuracy.
35 Sec. 5. APPLICABILITY. This Act applies to tax years

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1 beginning on or after January 1, 2014.

2 EXPLANATION

3 BACKGROUND. In 1996, the general assembly enacted SF
4 2449 (1996 Iowa Acts, chapter 1197) which in part provided
5 a livestock production tax credit not to exceed \$3,000 per
6 operation in total for a tax year. The tax credit was made
7 available to an individual or corporate taxpayer and was
8 computed by multiplying 10 cents times the amount of corn or
9 corn equivalents consumed by the livestock in the production
10 operation. For example the corn equivalency for cow-calf
11 operations (mature beef cattle bred or for breeding, bred
12 yearling heifers, and breeding bulls) equaled 111.5 (10 cents
13 x 111.5 = \$11.15). The Act also included a standing limited
14 annual appropriation of \$2 million to support the tax credit.
15 The tax credit was not used to directly reduce the taxpayer's
16 income tax liability but instead was used to calculate the
17 amount of a refund paid to the taxpayer who filed a refund
18 claim with the department of revenue. The Act also included
19 procedures for use by the department to prorate refund claim
20 amounts in case the annual appropriation was not sufficient
21 to satisfy all claims. In addition, the Act provided that
22 it would be used only to support cow-calf operations for the
23 current tax year. In 1997, the general assembly enacted HF
24 726 (1997 Iowa Acts, chapter 206), which provided that the
25 tax credit would only apply to such operations. In addition
26 the Act replaced a maximum threshold net worth requirement
27 for tax filers with a federally taxable income threshold
28 equaling \$99,600 for tax year beginning January 1, 1997, and
29 automatically adjusted each year for inflation. In 2009, the
30 general assembly enacted SF 478 repealing the tax credit (2009
31 Iowa Acts, chapter 179).

32 BILL — RESTORATION OF THE COW-CALF CREDIT. This bill
33 specifically provides for a cow-calf operations credit based
34 on the provisions in the 1996 legislation establishing the
35 livestock production tax credit. The income threshold for

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1 qualifying taxpayers is increased to not more than \$144,358,
2 as adjusted each year for inflation. The standing limited
3 appropriation is increased to \$4 million. However, the same
4 method is used for calculating the payment of eligible refund
5 claims when the total amount of such claims exceeds the
6 appropriated amount. The new cow-calf credit applies to tax
7 years beginning on or after January 1, 2014.



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March 06, 2013

House File 468 - Introduced

HOUSE FILE 468
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 55)

A BILL FOR

1 An Act relating to the excise tax on unlawful dealing in
2 certain substances by adding new taxable substances and tax
3 rates, modifying the taxation and rates of currently taxable
4 substances, and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 453B.1, subsection 3, paragraph a, Code
2 2013, is amended by adding the following new subparagraphs:
3 NEW SUBPARAGRAPH. (5) One or more grams of an imitation
4 controlled substance or a controlled substance listed in
5 section 124.204, subsection 4, paragraph "ai", or subsection 6,
6 paragraph "i".

7 NEW SUBPARAGRAPH. (6) One or more dosage units of an
8 imitation controlled substance or a controlled substance listed
9 in section 124.204, subsection 4, paragraph "ai", or subsection
10 6, paragraph "i", which is not sold by weight.

11 Sec. 2. Section 453B.1, Code 2013, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 6A. *"Imitation controlled substance"* means
14 the same as defined in section 124A.2.

15 Sec. 3. Section 453B.1, subsection 10, Code 2013, is amended
16 to read as follows:

17 10. *"Taxable substance"* means a controlled substance, a
18 counterfeit substance, a simulated controlled substance, an
19 imitation controlled substance, or marijuana, or a mixture of
20 materials that contains a controlled substance, counterfeit
21 substance, simulated controlled substance, imitation controlled
22 substance, or marijuana.

23 Sec. 4. Section 453B.4, Code 2013, is amended to read as
24 follows:

25 **453B.4 Measurements.**

26 For purposes of measurements under this chapter, the
27 weight of a taxable substance shall be measured by its weight
28 in metric grams in the dealer's possession. If a taxable
29 substance consists of a mixture containing both marijuana and
30 another substance or combination of substances listed in the
31 definition of taxable substance in section 453B.1, the taxable
32 substance shall be taxed under section 453B.7, subsection 2,
33 unless the mixture contains a taxable substance listed in
34 section 453B.1, subsection 3, paragraph "a", subparagraph
35 (5), in which case the taxable substance shall be taxed under

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1 section 453B.7, subsection 5.

2 Sec. 5. Section 453B.7, Code 2013, is amended to read as
3 follows:

4 **453B.7 Tax imposed — rate of tax.**

5 An excise tax is imposed on dealers at the following rates:

6 1. On each gram of processed marijuana, or each portion of a
7 gram, five ~~eight~~ dollars.

8 2. On each gram or portion of a gram of any taxable
9 substance sold by weight other than marijuana, two hundred
10 fifty an imitation controlled substance, or a controlled
11 substance listed in section 124.204, subsection 4, paragraph
12 "ai", or subsection 6, paragraph "i", four hundred dollars.

13 3. On each unprocessed marijuana plant, seven hundred fifty
14 one thousand two hundred dollars.

15 4. On each ten dosage units of any taxable substance, other
16 than unprocessed marijuana plants, an imitation controlled
17 substance, or a controlled substance listed in section 124.204,
18 subsection 4, paragraph "ai", or subsection 6, paragraph "i",
19 that is not sold by weight, or portion thereof, ~~four~~ six
20 hundred forty dollars.

21 5. On each gram or portion of a gram of an imitation
22 controlled substance, or a controlled substance listed in
23 section 124.204, subsection 4, paragraph "ai", or subsection 6,
24 paragraph "i", that is sold by weight, one thousand two hundred
25 dollars.

26 6. On each dosage unit of an imitation controlled substance,
27 or a controlled substance listed in section 124.204, subsection
28 4, paragraph "ai", or section 6, paragraph "i", that is not
29 sold by weight, or portion thereof, one thousand two hundred
30 dollars.

31 EXPLANATION

32 This bill relates to the excise tax on unlawful dealing in
33 certain substances.

34 The bill adds imitation controlled substances, as defined
35 in Code section 124A.2, to the list of taxable substances



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1 and rates in Code section 453B.7, and amends the definition
2 of "dealer" to include a person who ships, transports, or
3 imports into this state or acquires, purchases, possesses,
4 manufactures, or produces in this state one or more grams or
5 dosage units of an imitation controlled substance.

6 The definition of "dealer" is also amended to lower from
7 seven grams or 10 dosage units to one gram or one dosage
8 unit, the threshold at which a person is labeled a "dealer"
9 if that person ships, transports, or imports into this state
10 or acquires, purchases, possesses, manufactures, or produces
11 in this state a controlled substance listed in Code section
12 124.204, subsection 4, paragraph "ai", (certain hallucinogenic
13 substances), or subsection 6, paragraph "i", (certain
14 stimulants).

15 The bill amends the rates of tax on dealers to tax imitation
16 controlled substances and the controlled substances listed in
17 Code section 124.204, subsection 4, paragraph "ai", (certain
18 hallucinogenic substances), and subsection 6, paragraph "i",
19 (certain stimulants), at \$1,200 per gram or dosage unit, and
20 increases the other rates of tax as follows: On each gram
21 of processed marijuana, from \$5 to \$8; on each unprocessed
22 marijuana plant, from \$750 to \$1,200; on each gram of all other
23 taxable substances, from \$250 to \$400; and on each 10 dosage
24 units of all other taxable substances, from \$400 to \$640.

25 The bill also amends Code section 453B.4 to require that
26 any mixture of taxable substances containing an imitation
27 controlled substance or a controlled substance listed in
28 Code section 124.204, subsection 4, paragraph "ai", (certain
29 hallucinogenic substances), and subsection 6, paragraph "i",
30 (certain stimulants), shall be taxed at \$1,200 per gram instead
31 of \$400 per gram.

32 Under current law, dealers who violate Code chapter 453B are
33 subject to the tax imposed in the Code chapter and a penalty
34 equal to the tax. In addition, dealers who possess taxable
35 substances without a tax stamp or who create counterfeit tax

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1 stamps or possess a previously used or expired tax stamp are
2 guilty of a class "D" felony. A class "D" felony is punishable
3 by confinement for no more than five years and a fine of at
4 least \$750 but no more than \$7,500.



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HOUSE FILE 469
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 143)

A BILL FOR

1 An Act relating to business corporations, including by
2 providing for their organization and operation; providing
3 for the relationship between shareholders, directors, and
4 officers; and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PRINCIPAL PROVISIONS

Section 1. Section 490.140, subsections 3, 6, 9, and 26, Code 2013, are amended to read as follows:

3. "Conspicuous" means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it. For example, printing text in italics, or boldface, or contrasting color, or typing in capitals, or underlined, is conspicuous.

6. "Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery ~~in person,~~ by hand, mail, commercial delivery, and, if authorized in accordance with section 490.141, by electronic transmission.

9. "Electronic transmission" or "electronically transmitted" means any form or process of communication not directly involving the physical transfer of paper that or another tangible medium, which is suitable all of the following:

a. Suitable for the retention, retrieval, and reproduction of information by the recipient.

b. Retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with section 490.141, subsection 10.

26. "Sign" or "signature" means, with present intent to authenticate or adopt a document, doing any of the following:

a. Executing or adopting a tangible symbol to a document, and includes any manual, facsimile, or conformed, or electronic signature.

b. Attaching to or logically associating with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature in an electronic transmission.

Sec. 2. Section 490.140, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 7A. "Document" means any of the following:

a. A tangible medium on which information is inscribed, and

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1 includes any writing or written instrument.

2 *b.* An electronic record.

3 NEW SUBSECTION. 7B. "*Domestic unincorporated entity*" means
4 an unincorporated entity whose internal affairs are governed by
5 the laws of this state.

6 NEW SUBSECTION. 8A. "*Electronic*" means relating to
7 technology having electrical, digital, magnetic, wireless,
8 optical, electromagnetic, or similar capabilities.

9 NEW SUBSECTION. 8B. "*Electronic record*" means information
10 that is stored in an electronic or other medium and is
11 retrievable in paper form through an automated process used in
12 conventional commercial practice, unless otherwise authorized
13 in accordance with section 490.141, subsection 10.

14 NEW SUBSECTION. 11A. "*Expenses*" means reasonable expenses
15 of any kind that are incurred in connection with a matter.

16 NEW SUBSECTION. 21B. "*Qualified director*" means the same
17 as defined in section 490.143.

18 NEW SUBSECTION. 32. "*Writing*" or "*written*" means any
19 information in the form of a document.

20 Sec. 3. Section 490.141, Code 2013, is amended to read as
21 follows:

22 **490.141 Notice or other communication.**

23 1. Notice under this chapter must be in writing unless oral
24 notice is reasonable ~~under~~ in the circumstances. ~~Notice by~~
25 ~~electronic transmission is written notice.~~ Unless otherwise
26 agreed between the sender and the recipient, words in a notice
27 or other communication under this chapter must be in English.

28 2. ~~Notice~~ A notice or other communication may be
29 ~~communicated in person; by mail or other given or sent by~~
30 any method of delivery; or by telephone, voice mail, or
31 other, except that electronic means transmissions must be in
32 accordance with this section. If these forms of personal
33 notice methods of delivery are impracticable, a notice or
34 other communication may be communicated by a newspaper of
35 general circulation in the area where published; or by radio,

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1 television, or other form of public broadcast communication.
2 ~~3. Written notice by a domestic or foreign corporation to~~
3 ~~its shareholder, if in a comprehensible form, is effective~~
4 ~~according to one of the following:~~
5 ~~a. Upon deposit in the United States mail, if mailed~~
6 ~~postpaid and correctly addressed to the shareholder's address~~
7 ~~shown in the corporation's current record of shareholders.~~
8 ~~b. When electronically transmitted to the shareholder in a~~
9 ~~manner authorized by the shareholder.~~
10 4. Written notice Notice or other communication to a
11 domestic or foreign corporation authorized to transact business
12 in this state may be addressed delivered to its registered
13 agent at its registered office or to the secretary of the
14 corporation or its secretary at its principal office shown in
15 its most recent biennial report or, in the case of a foreign
16 corporation that has not yet delivered a biennial report, in
17 its application for a certificate of authority.
18 4. Notice or other communications may be delivered by
19 electronic transmission if consented to by the recipient or if
20 authorized by subsection 10.
21 5. Any consent under subsection 4 may be revoked by the
22 person who consented by written or electronic notice to the
23 person to whom the consent was delivered. Any such consent is
24 deemed revoked if all of the following apply:
25 a. The corporation is unable to deliver two consecutive
26 electronic transmissions given by the corporation in accordance
27 with such consent.
28 b. Such inability becomes known to the secretary or an
29 assistant secretary of the corporation or to the transfer
30 agent, or other person responsible for the giving of notice
31 or other communications; provided, however, the inadvertent
32 failure to treat such inability as a revocation shall not
33 invalidate any meeting or other action.
34 6. Unless otherwise agreed between the sender and the
35 recipient, an electronic transmission is received when all of



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- 1 the following apply:
- 2 a. The electronic transmission enters an information
3 processing system that the recipient has designated or uses
4 for the purposes of receiving electronic transmissions or
5 information of the type sent, and from which the recipient is
6 able to retrieve the electronic transmission.
- 7 b. The electronic transmission is in a form capable of being
8 processed by that system.
- 9 7. Receipt of an electronic acknowledgment from an
10 information processing system described in subsection 6,
11 paragraph "a", establishes that an electronic transmission was
12 received but, by itself, does not establish that the content
13 sent corresponds to the content received.
- 14 8. An electronic transmission is received under this
15 section even if no individual is aware of its receipt.
- 16 ~~5.~~ 9. Except as provided in subsection 3, written notice,
17 Notice or other communication if in a comprehensible form or
18 manner, is effective at the earliest of any of the following:
- 19 a. When received. If in physical form, the earliest of
20 when it is actually received or when it is left at any of the
21 following:
- 22 (1) A shareholder's address shown on the corporation's
23 record of shareholders maintained by the corporation under
24 section 490.1601, subsection 3.
- 25 (2) A director's residence or usual place of business.
- 26 (3) The corporation's principal place of business.
- 27 ~~b. Five days after its deposit in the United States mail,~~
28 ~~if~~ If mailed postpaid by United States mail postage prepaid
29 and correctly addressed to a shareholder, upon deposit in the
30 United States mail.
- 31 ~~c. On the date shown on the~~ If mailed by United States
32 mail postage prepaid and correctly addressed to a recipient
33 other than a shareholder, the earliest of when it is actually
34 received or as follows:
- 35 (1) If sent by registered or certified mail, return receipt



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1 ~~requested, if sent by registered or certified mail, return~~
2 ~~receipt requested, and the date shown on the return receipt is~~
3 signed by or on behalf of the addressee.

4 ~~6. Oral notice is effective when communicated if~~
5 ~~communicated in a comprehensible manner.~~

6 (2) Five days after it is deposited in the United States
7 mail.

8 d. If an electronic transmission, when it is received as
9 provided in subsection 6.

10 e. If oral, when communicated.

11 10. A notice or other communication may be in the form of
12 an electronic transmission that cannot be directly reproduced
13 in paper form by the recipient through an automated process
14 used in conventional commercial practice only if all of the
15 following apply:

16 a. The electronic transmission is otherwise retrievable in
17 perceivable form.

18 b. The sender and the recipient have consented in writing to
19 the use of such form of electronic transmission.

20 ~~7.~~ 11. If this chapter prescribes notice requirements for
21 notices or other communications in particular circumstances,
22 those requirements govern. If articles of incorporation or
23 bylaws prescribe notice requirements for notices or other
24 communications, not inconsistent with this section or other
25 provisions of this chapter, those requirements govern. The
26 articles of incorporation or bylaws may authorize or require
27 delivery of notices of meetings of directors by electronic
28 transmission.

29 Sec. 4. NEW SECTION. 490.143 Qualified director.

30 1. For purposes of this chapter, a "qualified director"
31 is a director who takes action under any of the following
32 provisions, if at the time action is to be taken any of the
33 following applies:

34 a. Under section 490.744, the director does not have any of
35 the following:

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1 (1) A material interest in the outcome of the proceeding.
2 (2) A material relationship with a person who has such an
3 interest.
4 b. Under section 490.853 or 490.855, all of the following
5 apply:
6 (1) The director is not a party to the proceeding.
7 (2) The director is not a director as to whom a transaction
8 is a director's conflicting interest transaction or who sought
9 a disclaimer of the corporation's interest in a business
10 opportunity under section 490.870, which transaction or
11 disclaimer is challenged in the proceeding.
12 (3) The director does not have a material relationship with
13 a director described in either subparagraph (1) or (2).
14 c. Under section 490.862, the director is not any of the
15 following:
16 (1) A director as to whom the transaction is a director's
17 conflicting interest transaction.
18 (2) A director who has a material relationship with another
19 director as to whom the transaction is a director's conflicting
20 interest transaction.
21 d. Under section 490.870, the director would be a qualified
22 director under paragraph "c", if the business opportunity was a
23 director's conflicting interest transaction.
24 2. For purposes of this section, all of the following apply:
25 a. "Material interest" means an actual or potential
26 benefit or detriment, other than one which would devolve on
27 the corporation or the shareholders generally, that would
28 reasonably be expected to impair the objectivity of the
29 director's judgment when participating in the action to be
30 taken.
31 b. "Material relationship" means a familial, financial,
32 professional, employment, or other relationship that would
33 reasonably be expected to impair the objectivity of the
34 director's judgment when participating in the action to be
35 taken.



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1 3. The presence of one or more of the following
2 circumstances shall not automatically prevent a director from
3 being a qualified director:

4 a. Nomination or election of the director to the current
5 board by any director who is not a qualified director with
6 respect to the matter, or by any person that has a material
7 relationship with that director, acting alone or participating
8 with others.

9 b. Service as a director of another corporation of which a
10 director who is not a qualified director with respect to the
11 matter, or any individual who has a material relationship with
12 that director, is or was also a director.

13 c. With respect to action to be taken under section 490.744,
14 status as a named defendant, as a director against whom action
15 is demanded, or as a director who approved the conduct being
16 challenged.

17 Sec. 5. NEW SECTION. 490.144 **Householding.**

18 1. A corporation has delivered written notice or any
19 other report or statement under this chapter, the articles of
20 incorporation, or the bylaws to all shareholders who share a
21 common address if all of the following apply:

22 a. The corporation delivers one copy of the notice, report,
23 or statement to the common address.

24 b. The corporation addresses the notice, report, or
25 statement to those shareholders either as a group or to each
26 of those shareholders individually or to the shareholders in a
27 form to which each of those shareholders has consented.

28 c. Each of those shareholders consents to delivery of
29 a single copy of such notice, report, or statement to the
30 shareholders' common address. Any such consent shall be
31 revocable by any of such shareholders who deliver written
32 notice of revocation to the corporation. If such written
33 notice of revocation is delivered, the corporation shall begin
34 providing individual notices, reports, or other statements
35 to the revoking shareholder no later than thirty days after

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1 delivery of the written notice of revocation.

2 2. Any shareholder who fails to object by written notice
3 to the corporation, within sixty days of written notice by the
4 corporation of its intention to send single copies of notices,
5 reports, or statements to shareholders who share a common
6 address as permitted by subsection 1, shall be deemed to have
7 consented to receiving such single copy at the common address.

8 Sec. 6. Section 490.502, subsection 2, Code 2013, is amended
9 to read as follows:

10 2. If ~~a registered agent changes~~ the street address of the
11 a registered agent's business office changes, the ~~registered~~
12 agent may change the street address of the registered office of
13 any corporation for which the person is the registered agent by
14 notifying delivering a signed written notice of the change to
15 ~~the corporation in writing of the change and signing, either~~
16 ~~manually or in facsimile~~, and delivering to the secretary of
17 state for filing a signed statement that complies with the
18 requirements of subsection 1 and recites that the corporation
19 has been notified of the change.

20 Sec. 7. Section 490.620, subsection 4, Code 2013, is amended
21 to read as follows:

22 4. If a subscriber defaults in payment of money or
23 property under a subscription agreement entered into before
24 incorporation, the corporation may collect the amount owed
25 as any other debt. Alternatively, unless the subscription
26 agreement provides otherwise, the corporation may rescind the
27 agreement and may sell the shares if the debt remains unpaid
28 more than twenty days after the corporation sends a written
29 demand for payment to the subscriber.

30 Sec. 8. Section 490.624, Code 2013, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 3. The board of directors may authorize one
33 or more officers to do all of the following:

34 a. Designate the recipients of rights, options, warrants,
35 or other equity compensation awards that involve the issuance

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1 of shares.

2 **b.** Determine, within an amount and subject to any other
3 limitations established by the board and, if applicable, the
4 stockholders, the number of such rights, options, warrants,
5 or other equity compensation awards and the terms thereof to
6 be received by the recipients, provided that an officer shall
7 not use such authority to designate the officer or any other
8 persons the board of directors may specify as a recipient of
9 such rights, options, warrants, or other equity compensation
10 awards.

11 Sec. 9. Section 490.701, subsection 1, Code 2013, is amended
12 to read as follows:

13 1. A Unless directors are elected by written consent in
14 lieu of an annual meeting as permitted by section 490.704, a
15 corporation shall hold annually, at a time stated in or fixed
16 in accordance with the bylaws, a meeting of shareholders;
17 provided, however, that if a corporation's articles of
18 incorporation authorize shareholders to cumulate their votes
19 when electing directors pursuant to section 490.728, directors
20 shall not be elected by less than unanimous consent.

21 Sec. 10. Section 490.703, Code 2013, is amended to read as
22 follows:

23 **490.703 Court-ordered meeting.**

24 1. The district court of the county where a corporation's
25 principal office, or, if none in this state, its registered
26 office, is located may summarily order a meeting to be held
27 ~~either:~~ pursuant to any of the following:

28 **a.** On application of any shareholder of the corporation
29 entitled to participate in an annual meeting if an annual
30 meeting was not held or action by written consent in lieu
31 thereof did not become effective within the earlier of six
32 months after the end of the corporation's fiscal year or
33 fifteen months after its last annual meeting.

34 **b.** On application of a shareholder who signed a demand for
35 a special meeting valid under section 490.702 if ~~either~~ any of



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1 the following applies:

2 (1) Notice of the special meeting was not given within
3 thirty days after the date the demand was delivered to the
4 corporation's secretary.

5 (2) The special meeting was not held in accordance with the
6 notice.

7 2. The court may fix the time and place of the meeting,
8 ascertain the shares entitled to participate in the meeting,
9 specify a record date or dates for ascertaining shareholders
10 entitled to notice of and to vote at the meeting, prescribe the
11 form and content of the meeting notice, fix the quorum required
12 for specific matters to be considered at the meeting or direct
13 that the votes represented at the meeting constitute a quorum
14 for action on those matters, and enter other orders necessary
15 to accomplish the purpose or purposes of the meeting.

16 Sec. 11. Section 490.704, Code 2013, is amended to read as
17 follows:

18 **490.704 Action without meeting.**

19 1. Unless otherwise provided in the articles of
20 incorporation, any action required or permitted by this chapter
21 to be taken at a shareholders' meeting may be taken without
22 a meeting or vote, and, except as provided in subsection
23 5, without prior notice, if one or more written consents
24 describing the action taken are signed by the holders of
25 outstanding shares having not less than ninety percent of the
26 votes entitled to be cast at a meeting at which all shares
27 entitled to vote on the action were present and voted, and are
28 delivered to the corporation for inclusion in the minutes or
29 filing with the corporate records.

30 ~~2. A written consent shall bear the date of signature of~~
31 ~~each shareholder who signs the consent and no written consent~~
32 ~~is effective to take the corporate action referred to in~~
33 ~~the consent unless, within sixty days of the earliest dated~~
34 ~~consent delivered in the manner required by this section to the~~
35 ~~corporation, written consents signed by a sufficient number~~

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~~1 of holders to take action are delivered to the corporation.~~
~~2 A written consent may be revoked by a writing to that effect~~
~~3 received by the corporation prior to the receipt by the~~
~~4 corporation of unrevoked written consents sufficient in number~~
~~5 to take corporate action. Except in the case of a public~~
~~6 corporation, the articles of incorporation may provide that~~
~~7 any action required or permitted by this chapter to be taken~~
~~8 at a shareholders' meeting may be taken without a meeting, and~~
~~9 without prior notice, if consents in writing setting forth the~~
~~10 action so taken are signed by the holders of outstanding shares~~
~~11 having not less than the minimum number of votes that would be~~
~~12 required to authorize or take the action at a meeting at which~~
~~13 all shares entitled to vote on the action were present and~~
~~14 voted. The written consent shall bear the date of signature~~
~~15 of the shareholder who signs the consent and be delivered to~~
~~16 the corporation for inclusion in the minutes or filing with the~~
~~17 corporate records.~~

~~18 3. If not otherwise fixed under section 490.703 or 490.707,~~
~~19 the record date for determining shareholders entitled to take~~
~~20 action without a meeting is the date the first shareholder~~
~~21 signs the consent under subsection 1. If not otherwise fixed~~
~~22 under section 490.707 and if prior board action is not required~~
~~23 respecting the action to be taken without a meeting, the~~
~~24 record date for determining the shareholders entitled to take~~
~~25 action without a meeting shall be the first date on which a~~
~~26 signed written consent is delivered to the corporation. If~~
~~27 not otherwise fixed under section 490.707 and if prior board~~
~~28 action is required respecting the action to be taken without~~
~~29 a meeting, the record date shall be the close of business on~~
~~30 the day the resolution of the board taking such prior action~~
~~31 is adopted. No written consent shall be effective to take~~
~~32 the corporate action referred to therein unless, within sixty~~
~~33 days of the earliest date on which a consent delivered to the~~
~~34 corporation as required by this section was signed, written~~
~~35 consents signed by sufficient shareholders to take the action~~

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1 have been delivered to the corporation. A written consent
2 may be revoked by a writing to that effect delivered to the
3 corporation before unrevoked written consents sufficient in
4 number to take the corporate action are delivered to the
5 corporation.

6 4. A consent signed ~~under~~ pursuant to the provisions of this
7 section has the effect of a meeting vote and may be described
8 as such in any document. Unless the articles of incorporation,
9 bylaws, or a resolution of the board of directors provides for
10 a reasonable delay to permit tabulation of written consents,
11 the action taken by written consent shall be effective when
12 written consents signed by sufficient shareholders to take the
13 action are delivered to the corporation.

14 ~~5. If this chapter requires that notice of proposed action~~
15 ~~be given to shareholders not entitled to vote and the action~~
16 ~~is to be taken by consent of the voting shareholders, the~~
17 ~~corporation must give all shareholders written notice of the~~
18 ~~proposed action at least ten days before the action is taken.~~
19 ~~The notice must contain or be accompanied by the same material~~
20 ~~that, under this chapter, would have been required to be sent~~
21 ~~to shareholders not entitled to vote in a notice of meeting~~
22 ~~at which the proposed action would have been submitted to the~~
23 ~~shareholders for action.~~

24 ~~6. Prompt notice of the taking of corporate action without~~
25 ~~a meeting by less than unanimous written consent shall be given~~
26 ~~to those shareholders who have not consented in writing. If~~
27 ~~the taking of that corporate action requires the giving of~~
28 ~~notice under section 490.1320, subsection 2, the notice of~~
29 ~~the action shall set forth the matters described in section~~
30 ~~490.1322.~~

31 5. a. If this chapter requires that notice of a proposed
32 action be given to nonvoting shareholders and the action is
33 to be taken by written consent of the voting shareholders,
34 the corporation must give its nonvoting shareholders written
35 notice of the action not more than ten days after any of the

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1 following:

2 (1) Written consents sufficient to take the action have been
3 delivered to the corporation.

4 (2) Such later date that tabulation of consents is completed
5 pursuant to an authorization under subsection 4.

6 b. The notice must reasonably describe the action taken and
7 contain or be accompanied by the same material that, under any
8 provision of this chapter, would have been required to be sent
9 to nonvoting shareholders in a notice of a meeting at which the
10 proposed action would have been submitted to the shareholders
11 for action.

12 6. a. If action is taken by less than unanimous written
13 consent of the voting shareholders, the corporation must give
14 its nonconsenting voting shareholders written notice of the
15 action not more than ten days after any of the following:

16 (1) Written consents sufficient to take the action have been
17 delivered to the corporation.

18 (2) Such later date that tabulation of consents is completed
19 pursuant to an authorization under subsection 4.

20 b. The notice must reasonably describe the action taken
21 and contain or be accompanied by the same material that, under
22 any provision of this chapter, would have been required to be
23 sent to voting shareholders in a notice of a meeting at which
24 the action would have been submitted to the shareholders for
25 action.

26 7. The notice requirements in subsections 5 and 6 shall not
27 delay the effectiveness of actions taken by written consent,
28 and a failure to comply with such notice requirements shall
29 not invalidate actions taken by written consent, provided that
30 this subsection shall not be deemed to limit judicial power
31 to fashion any appropriate remedy in favor of a shareholder
32 adversely affected by a failure to give such notice within the
33 required time period.

34 Sec. 12. Section 490.705, subsections 1 and 5, Code 2013,
35 are amended to read as follows:

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1 1. A corporation shall notify shareholders of the date,
2 time, and place of each annual and special shareholders'
3 meeting no fewer than ten nor more than sixty days before
4 the meeting date. The notice shall include the record date
5 for determining the shareholders entitled to vote at the
6 meeting, if such date is different than the record date for
7 determining shareholders entitled to notice of the meeting. If
8 the board of directors has authorized participation by means
9 of remote communication pursuant to section 490.709 for any
10 class or series of shareholders, the notice to such class or
11 series of shareholders shall describe the means of remote
12 communication to be used. Unless this chapter or the articles
13 of incorporation require otherwise, the corporation is required
14 to give notice only to shareholders entitled to vote at the
15 meeting as of the record date for determining the shareholders
16 entitled to notice of the meeting.

17 5. Unless the bylaws require otherwise, if an annual or
18 special shareholders' meeting is adjourned to a different date,
19 time, or place, notice need not be given of the new date,
20 time, or place if the new date, time, or place is announced at
21 the meeting before adjournment. If a new record date for the
22 adjourned meeting is or must be fixed under section 490.707,
23 however, notice of the adjourned meeting must be given under
24 this section to ~~persons who are~~ shareholders ~~as of the new~~
25 ~~record date~~ entitled to vote at such adjourned meeting as of
26 the record date fixed for notice of such adjourned meeting.

27 Sec. 13. Section 490.707, Code 2013, is amended to read as
28 follows:

29 **490.707 Record date.**

30 1. The bylaws may fix or provide the manner of fixing
31 the record date or dates for one or more voting groups in
32 order to determine the shareholders entitled to notice of a
33 shareholders' meeting, to demand a special meeting, to vote,
34 or to take any other action. If the bylaws do not fix or
35 provide for fixing a record date, the board of directors of the

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1 corporation may fix a future date as the record date.

2 2. A record date fixed under this section shall not be more
3 than seventy days before the meeting or action requiring a
4 determination of shareholders.

5 3. A determination of shareholders entitled to notice of
6 or to vote at a shareholders' meeting is effective for any
7 adjournment of the meeting unless the board of directors fixes
8 a new record date or dates, which it must do if the meeting is
9 adjourned to a date more than one hundred twenty days after the
10 date fixed for the original meeting.

11 4. If a court orders a meeting adjourned to a date more than
12 one hundred twenty days after the date fixed for the original
13 meeting, it may provide that the original record date continues
14 in effect or it may fix a new record date or dates.

15 5. The record date for a shareholders' meeting fixed by
16 or in the manner provided in the bylaws or by the board of
17 directors shall be the record date for determining shareholders
18 entitled both to notice of and to vote at the shareholders'
19 meeting unless, in the case of a record date fixed by the
20 board of directors and to the extent not prohibited by the
21 bylaws, the board, at the time it fixes the record date for
22 shareholders entitled to notice of the meeting, fixes a later
23 record date on or before the date of the meeting to determine
24 the shareholders entitled to vote at the meeting.

25 Sec. 14. NEW SECTION. 490.709 Remote participation in
26 annual and special meetings.

27 1. Shareholders of any class or series may participate in
28 any meeting of shareholders by means of remote communication to
29 the extent the board of directors authorizes such participation
30 for such class or series. Participation by means of remote
31 communication shall be subject to such guidelines and
32 procedures as the board of directors adopts, and shall be in
33 conformity with subsection 2.

34 2. Shareholders participating in a shareholders' meeting
35 by means of remote communication shall be deemed present and

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1 may vote at such a meeting if the corporation has implemented
2 reasonable measures to do all of the following:

3 a. Verify that each person participating remotely is a
4 shareholder.

5 b. Provide such shareholders a reasonable opportunity to
6 participate in the meeting and to vote on matters submitted to
7 the shareholders, including an opportunity to communicate, and
8 to read or hear the proceedings of the meeting, substantially
9 concurrently with such proceedings.

10 Sec. 15. Section 490.720, Code 2013, is amended to read as
11 follows:

12 **490.720 Shareholders' list for meeting.**

13 1. After fixing a record date for a meeting, a corporation
14 shall prepare an alphabetical list of the names of all its
15 shareholders who are entitled to notice of a shareholders'
16 meeting. ~~The~~ If the board of directors fixes a different
17 record date under section 490.707, subsection 5, to determine
18 the shareholders entitled to vote at the meeting, a corporation
19 also shall prepare an alphabetical list of the names of all
20 its shareholders who are entitled to vote at the meeting. A
21 list must be arranged by voting group and within each voting
22 group by class or series of shares, and show the address of and
23 number of shares held by each shareholder.

24 2. The shareholders' list for notice must be available for
25 inspection by any shareholder beginning two business days after
26 notice of the meeting is given for which the list was prepared
27 and continuing through the meeting, at the corporation's
28 principal office or at a place identified in the meeting notice
29 in the city where the meeting will be held. A shareholders'
30 list for voting must be similarly available for inspection
31 promptly after the record date for voting. A shareholder,
32 or a shareholder's agent or attorney, is entitled on written
33 demand to inspect and, subject to the requirements of section
34 490.1602, subsection 3 4, to copy the a list, during regular
35 business hours and at the person's expense, during the period

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1 it is available for inspection.

2 3. The corporation shall make the ~~shareholders'~~ list of
3 shareholders entitled to vote available at the meeting, and any
4 shareholder, or a shareholder's agent or attorney, is entitled
5 to inspect the list at any time during the meeting or any
6 adjournment.

7 4. If the corporation refuses to allow a shareholder, or a
8 shareholder's agent or attorney, to inspect ~~the~~ a shareholders'
9 list before or at the meeting, or copy ~~the~~ a list as permitted
10 by subsection 2, the district court of the county where a
11 corporation's principal office or, if none in this state,
12 its registered office, is located, on application of the
13 shareholder, may summarily order the inspection or copying at
14 the corporation's expense and may postpone the meeting for
15 which the list was prepared until the inspection or copying is
16 complete.

17 5. Refusal or failure to prepare or make available ~~the~~ a
18 shareholders' list does not affect the validity of action taken
19 at the meeting.

20 Sec. 16. Section 490.722, subsection 2, Code 2013, is
21 amended by striking the subsection.

22 Sec. 17. Section 490.724, subsection 4, Code 2013, is
23 amended to read as follows:

24 4. The corporation and its officer or agent who accepts
25 or rejects a vote, consent, waiver, or proxy appointment in
26 good faith and in accordance with the standards of this section
27 ~~or section 490.722, subsection 2,~~ are not liable in damages
28 to the shareholder for the consequences of the acceptance or
29 rejection.

30 Sec. 18. Section 490.728, Code 2013, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 4. Shares otherwise entitled to vote
33 cumulatively shall not be voted cumulatively at a particular
34 meeting unless any of the following applies:

35 a. The meeting notice or proxy statement accompanying

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1 the notice states conspicuously that cumulative voting is
2 authorized.

3 **b.** A shareholder who has the right to cumulate the
4 shareholder's votes gives notice to the corporation not less
5 than forty-eight hours before the time set for the meeting of
6 the shareholder's intent to cumulate votes during the meeting,
7 and if one shareholder gives this notice all other shareholders
8 in the same voting group participating in the election are
9 entitled to cumulate their votes without giving further notice.

10 Sec. 19. Section 490.742, subsection 2, Code 2013, is
11 amended to read as follows:

12 2. Ninety days have expired from the date delivery of
13 the demand was made, unless the shareholder has earlier been
14 notified that the demand has been rejected by the corporation
15 or unless irreparable injury to the corporation would result by
16 waiting for the expiration of the ninety-day period.

17 Sec. 20. Section 490.744, Code 2013, is amended to read as
18 follows:

19 **490.744 Dismissal.**

20 1. A derivative proceeding shall be dismissed by the court
21 on motion by the corporation if one of the groups specified
22 in subsection 2 or 6 5 has determined in good faith after
23 conducting a reasonable inquiry upon which its conclusions are
24 based that the maintenance of the derivative proceeding is
25 not in the best interests of the corporation. A corporation
26 moving to dismiss on this basis shall submit in support of the
27 motion a short and concise statement of the reasons for its
28 determination.

29 2. Unless a panel is appointed pursuant to subsection 6 5,
30 the determination in subsection 1 shall be made by ~~one~~ any of
31 the following:

32 **a.** A majority vote of ~~independent~~ qualified directors
33 present at a meeting of the board of directors if the
34 ~~independent~~ qualified directors constitute a quorum.

35 **b.** A majority vote of a committee consisting of two or more

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1 ~~independent~~ qualified directors appointed by majority vote of
2 ~~independent~~ qualified directors present at a meeting of the
3 board of directors, whether or not such ~~independent~~ qualified
4 directors constitute a quorum.

5 ~~3. None of the following shall by itself cause a director to~~
6 ~~be considered not independent for purposes of this section:~~

7 ~~a. The nomination or election of the director by persons~~
8 ~~who are defendants in the derivative proceeding or against whom~~
9 ~~action is demanded.~~

10 ~~b. The naming of the director as a defendant in the~~
11 ~~derivative proceeding or as a person against whom action is~~
12 ~~demanded.~~

13 ~~c. The approval by the director of the act being challenged~~
14 ~~in the derivative proceeding or demand if the act resulted in~~
15 ~~no personal benefit to the director.~~

16 ~~4.~~ 3. ~~a.~~ If a derivative proceeding is commenced
17 after a determination has been made rejecting a demand by a
18 shareholder, the complaint shall allege with particularity
19 facts establishing ~~one~~ any of the following:

20 (1) That a majority of the board of directors did not
21 consist of ~~independent~~ qualified directors at the time the
22 determination was made.

23 (2) That the requirements of subsection 1 have not been met.

24 ~~b.~~ All discovery and other proceedings shall be stayed
25 during the pendency of any motion to dismiss unless the
26 court finds upon the motion of any party that particularized
27 discovery is necessary to preserve evidence or prevent undue
28 prejudice to that party.

29 ~~5.~~ 4. If a majority of the board of directors ~~does not~~
30 ~~consist~~ consisted of ~~independent~~ qualified directors at the
31 time the determination ~~is~~ was made, the ~~corporation~~ plaintiff
32 shall have the burden of proving that the requirements of
33 subsection 1 have not been met; if not, the corporation shall
34 have the burden of proving that the requirements of subsection
35 1 have been met. ~~If a majority of the board of directors~~

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1 ~~consists of independent directors at the time the determination~~
2 ~~is made, the plaintiff shall have the burden of proving that~~
3 ~~the requirements of subsection 1 have not been met.~~

4 ~~6-~~ 5. The court may appoint a panel of one or more
5 independent persons upon motion by the corporation to make
6 a determination whether the maintenance of the derivative
7 proceeding is in the best interests of the corporation. In
8 such case, the plaintiff shall have the burden of proving that
9 the requirements of subsection 1 have not been met.

10 Sec. 21. Section 490.746, Code 2013, is amended to read as
11 follows:

12 **490.746 Payment of expenses.**

13 On termination of the derivative proceeding, the court may
14 do ~~either~~ any of the following:

15 1. Order the corporation to pay the plaintiff's ~~reasonable~~
16 ~~expenses, including attorney fees~~ incurred in the proceeding,
17 if it finds that the proceeding has resulted in a substantial
18 benefit to the corporation.

19 2. Order the plaintiff to pay any defendant's ~~reasonable~~
20 ~~expenses, including attorney fees~~ incurred in defending the
21 proceeding, if it finds that the proceeding was commenced or
22 maintained without reasonable cause or for an improper purpose.

23 Sec. 22. NEW SECTION. **490.748 Shareholder action to appoint**
24 **custodian or receiver.**

25 1. The district court may appoint one or more persons
26 to be custodians, or, if the corporation is insolvent, to
27 be receivers, of and for a corporation in a proceeding by a
28 shareholder where it is established that any of the following
29 applies:

30 a. The directors are deadlocked in the management of
31 the corporate affairs, the shareholders are unable to break
32 the deadlock, and irreparable injury to the corporation is
33 threatened or being suffered.

34 b. The directors or those in control of the corporation are
35 acting fraudulently and irreparable injury to the corporation

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1 is threatened or being suffered.

2 2. a. The district court may issue injunctions, appoint a
3 temporary custodian or temporary receiver with all the powers
4 and duties the court directs, take other action to preserve the
5 corporate assets wherever located, and carry on the business of
6 the corporation until a full hearing is held.

7 b. The district court shall hold a full hearing, after
8 notifying all parties to the proceeding and any interested
9 persons designated by the court, before appointing a custodian
10 or receiver.

11 c. The district court has jurisdiction over the corporation
12 and all of its property, wherever located.

13 3. The district court may appoint an individual or domestic
14 or foreign corporation, authorized to transact business in this
15 state, as a custodian or receiver and may require the custodian
16 or receiver to post bond, with or without sureties, in an
17 amount the court directs.

18 4. The district court shall describe the powers and duties
19 of the custodian or receiver in its appointing order, which may
20 be amended from time to time. Among other powers, all of the
21 following apply:

22 a. A custodian may exercise all of the powers of the
23 corporation, through or in place of its board of directors, to
24 the extent necessary to manage the business and affairs of the
25 corporation.

26 b. A receiver may do any of the following:

27 (1) Dispose of all or any part of the assets of the
28 corporation wherever located, at a public or private sale, if
29 authorized by the district court.

30 (2) Sue and defend in the receiver's own name as receiver in
31 all courts of this state.

32 5. The district court during a custodianship may
33 redesignate the custodian as a receiver, and during a
34 receivership may redesignate the receiver as a custodian, if
35 doing so is in the best interests of the corporation.

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1 6. The district court from time to time during the
2 custodianship or receivership may order compensation paid and
3 expense disbursements or reimbursements made to the custodian
4 or receiver from the assets of the corporation or proceeds from
5 the sale of its assets.

6 Sec. 23. Section 490.801, Code 2013, is amended to read as
7 follows:

8 **490.801 Requirement for and ~~duties~~ functions of board of**
9 **directors.**

10 1. Except as provided in section 490.732, each corporation
11 must have a board of directors.

12 2. All corporate powers shall be exercised by or under the
13 authority of the board of directors of the corporation, and
14 the business and affairs of the corporation shall be managed
15 by or under the direction, and subject to the oversight, of,
16 its board of directors, subject to any limitation set forth in
17 the articles of incorporation, or in an agreement authorized
18 under section 490.732.

19 Sec. 24. Section 490.807, Code 2013, is amended to read as
20 follows:

21 **490.807 Resignation of directors.**

22 1. A director may resign at any time by delivering a
23 written ~~notice~~ resignation to the board of directors, ~~or~~ its
24 ~~chairperson~~ chair, or to the secretary of the corporation.

25 2. A resignation is effective when the ~~notice~~ resignation
26 is delivered unless the ~~notice~~ resignation specifies a
27 later effective date or an effective date determined upon
28 the happening of an event or events. A resignation that is
29 conditioned upon failing to receive a specified vote for
30 election as a director may provide that it is irrevocable.

31 Sec. 25. Section 490.810, subsection 2, Code 2013, is
32 amended to read as follows:

33 2. If the vacant office was held by a director elected by
34 a voting group of shareholders, only the holders of shares of
35 that voting group are entitled to vote to fill the vacancy



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1 if it is filled by the shareholders, and only the directors
2 elected by that voting group are entitled to fill the vacancy
3 if it is filled by the directors.

4 Sec. 26. NEW SECTION. 490.826 Submission of matters for
5 shareholder vote.

6 A corporation may agree to submit a matter to a vote of its
7 shareholders even if, after approving the matter, the board of
8 directors determines it no longer recommends the matter.

9 Sec. 27. Section 490.830, Code 2013, is amended by adding
10 the following new subsection:

11 NEW SUBSECTION. 2A. In discharging board or committee
12 duties a director shall disclose, or cause to be disclosed,
13 to the other board or committee members information which
14 the director knows is not already known by them but is known
15 by the director to be material to the discharge of their
16 decision-making or oversight functions, except that disclosure
17 is not required to the extent that the director reasonably
18 believes that doing so would violate a duty imposed under law,
19 a legally enforceable obligation of confidentiality, or a
20 professional ethics rule.

21 Sec. 28. Section 490.831, subsection 1, paragraph a,
22 subparagraph (1), Code 2013, is amended to read as follows:

23 (1) No defense interposed by the director based on any of
24 the following precludes liability:

25 (a) A provision in the articles of incorporation authorized
26 by section 490.202, subsection 2, paragraph ~~"d"~~, ~~or the~~.

27 (b) The protection afforded by section 490.832 if
28 ~~interposed as a bar to the proceeding by the director, does not~~
29 ~~preclude liability~~ 490.861 for action taken in compliance with
30 section 490.862 or 490.863.

31 (c) The protection afforded by section 490.870.

32 Sec. 29. Section 490.831, subsection 3, paragraphs a and b,
33 Code 2013, are amended to read as follows:

34 a. In any instance where fairness is at issue, such
35 as consideration of the fairness of a transaction to the

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1 corporation under section ~~490.832~~ 490.861, subsection 2,
2 paragraph "c", alter the burden of proving the fact or lack of
3 fairness otherwise applicable.

4 b. Alter the fact or lack of liability of a director
5 under another section of this chapter, such as the provisions
6 governing the consequences of an unlawful distribution under
7 section 490.833 or a transactional interest under section
8 ~~490.832~~ 490.861.

9 Sec. 30. Section 490.841, Code 2013, is amended to read as
10 follows:

11 **490.841 ~~Duties~~ Functions of officers.**

12 Each officer has the authority and shall perform the ~~duties~~
13 functions set forth in the bylaws or, to the extent consistent
14 with the bylaws, the ~~duties~~ functions prescribed by the board
15 of directors or by direction of an officer authorized by the
16 board of directors to prescribe the ~~duties~~ functions of other
17 officers.

18 Sec. 31. Section 490.842, subsection 1, unnumbered
19 paragraph 1, Code 2013, is amended to read as follows:

20 An officer when performing in such capacity ~~shall~~ has the
21 duty to act in conformity with all of the following:

22 Sec. 32. Section 490.850, subsection 2, Code 2013, is
23 amended to read as follows:

24 2. "Director" or "officer" means an individual who is or
25 was a director or officer, respectively, of a corporation or
26 who, while a director or officer of the corporation, is or was
27 serving at the corporation's request as a director, officer,
28 partner, trustee, employee, or agent of another domestic
29 or foreign corporation, partnership, joint venture, trust,
30 employee benefit plan, or other entity. A director or officer
31 is considered to be serving an employee benefit plan at the
32 corporation's request if the ~~director's~~ individual's duties to
33 the corporation also impose duties on, or otherwise involve
34 services by, ~~that director~~ the individual to the plan or to
35 participants in or beneficiaries of the plan. "Director" or

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1 "officer" includes, unless the context requires otherwise, the
2 estate or personal representative of a director or officer.

3 Sec. 33. Section 490.850, subsections 3 and 4, Code 2013,
4 are amended by striking the subsections.

5 Sec. 34. Section 490.850, subsection 5, Code 2013, is
6 amended to read as follows:

7 5. "Liability" means the obligation to pay a judgment,
8 settlement, penalty, fine, including an excise tax assessed
9 with respect to an employee benefit plan, or reasonable
10 expenses incurred with respect to a proceeding.

11 Sec. 35. Section 490.853, Code 2013, is amended to read as
12 follows:

13 **490.853 Advance for expenses.**

14 1. A corporation may, before final disposition of
15 a proceeding, advance funds to pay for or reimburse the
16 reasonable expenses incurred in connection with the proceeding
17 by a director an individual who is a party to a the proceeding
18 because the person is a director if the person that individual
19 is a member of the board of directors if the director delivers
20 all of the following to the corporation:

21 a. A signed written affirmation of the director's good
22 faith belief that the ~~director has met the~~ relevant standard
23 of conduct described in section 490.851 has been met by the
24 director or that the proceeding involved conduct for which
25 liability has been eliminated under a provision of the articles
26 of incorporation as authorized by section 490.202, subsection
27 2, paragraph "d".

28 b. ~~The director's~~ A signed written undertaking of the
29 director to repay any funds advanced if the director is not
30 entitled to mandatory indemnification under section 490.852 and
31 it is ultimately determined under section 490.854 or ~~section~~
32 490.855 that the director has not met the relevant standard of
33 conduct described in section 490.851.

34 2. The undertaking required by subsection 1, paragraph "b",
35 must be an unlimited general obligation of the director but



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1 need not be secured and may be accepted without reference to
2 the financial ability of the director to make repayment.

3 3. Authorizations under this section shall be made
4 according to ~~one~~ any of the following:

5 a. By the board of directors as follows:

6 (1) If there are two or more ~~disinterested~~ qualified
7 directors, by a majority vote of all the ~~disinterested~~
8 qualified directors, a majority of whom shall for such purpose
9 constitute a quorum, or by a majority of the members of a
10 committee of two or more ~~disinterested~~ qualified directors
11 appointed by such a vote.

12 (2) If there are fewer than two ~~disinterested~~ qualified
13 directors, by the vote necessary for action by the board
14 in accordance with section 490.824, subsection 3, in which
15 authorization directors who ~~do~~ are not ~~qualify as disinterested~~
16 qualified directors may participate.

17 b. By the shareholders, but shares owned by or voted under
18 the control of a director who at the time ~~does not qualify as is~~
19 not a disinterested qualified director ~~may~~ shall not be voted
20 on the authorization.

21 Sec. 36. Section 490.855, Code 2013, is amended to read as
22 follows:

23 **490.855 Determination and authorization of indemnification.**

24 1. A corporation shall not indemnify a director under
25 section 490.851 unless authorized for a specific proceeding
26 after a determination has been made that indemnification ~~of~~
27 ~~the director~~ is permissible because the director has met the
28 relevant standard of conduct set forth in section 490.851.

29 2. The determination shall be made by any of the following:

30 a. If there are two or more ~~disinterested~~ qualified
31 directors, by the board of directors by a majority vote of all
32 the ~~disinterested~~ qualified directors, a majority of whom shall
33 for such purpose constitute a quorum, or by a majority of the
34 members of a committee of two or more ~~disinterested~~ qualified
35 directors appointed by such a vote.



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1 **b.** By special legal counsel selected in one of the following
2 manners:

3 (1) Selected in the manner prescribed in paragraph "a".

4 (2) If there are fewer than two ~~disinterested~~ qualified
5 directors, selected by the board of directors, in which
6 selection directors who ~~do not qualify as disinterested~~ are not
7 qualified directors may participate.

8 **c.** By the shareholders, but shares owned by or voted under
9 the control of a director who at the time ~~does not qualify as a~~
10 ~~disinterested~~ is not a qualified director shall not be voted on
11 the determination.

12 3. Authorization of indemnification shall be made in
13 the same manner as the determination that indemnification
14 is permissible, except that if there are fewer than two
15 ~~disinterested~~ qualified directors or if the determination is
16 made by special legal counsel, authorization of indemnification
17 shall be made by those entitled ~~under subsection 2, paragraph~~
18 ~~"b",~~ to select special legal counsel under subsection 2,
19 paragraph "b", subparagraph (2).

20 Sec. 37. Section 490.858, Code 2013, is amended by adding
21 the following new subsection:

22 NEW SUBSECTION. 1A. A right of indemnification or to
23 advances for expenses created by this division or under
24 subsection 1 and in effect at the time of an act or omission
25 shall not be eliminated or impaired with respect to such act
26 or omission by an amendment of the articles of incorporation
27 or bylaws or a resolution of the directors or shareholders,
28 adopted after the occurrence of such act or omission, unless,
29 in the case of a right created under subsection 1, the
30 provision creating such right and in effect at the time of
31 such act or omission explicitly authorizes such elimination or
32 impairment after such act or omission has occurred.

33 Sec. 38. Section 490.858, subsection 3, Code 2013, is
34 amended to read as follows:

35 3. A Subject to subsection 1A, a corporation may, by a

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1 provision in its articles of incorporation, limit any of the
2 rights to indemnification or advance for expenses created by or
3 pursuant to this part.

4 Sec. 39. NEW SECTION. 490.860 Part definitions.

5 As used in this part, unless the context otherwise requires:

6 1. "Control", including the term "controlled by", means any
7 of the following:

8 a. Having the power, directly or indirectly, to elect or
9 remove a majority of the members of the board of directors
10 or other governing body of an entity, whether through the
11 ownership of voting shares or interests, by contract, or
12 otherwise.

13 b. Being subject to a majority of the risk of loss from the
14 entity's activities or entitled to receive a majority of the
15 entity's residual returns.

16 2. "Director's conflicting interest transaction" means
17 a transaction effected or proposed to be effected by the
18 corporation, or by an entity controlled by the corporation to
19 which, or respecting which, any of the following applies:

20 a. To which, at the relevant time, the director is a party.

21 b. Respecting which, at the relevant time, the director
22 had knowledge and a material financial interest known to the
23 director.

24 c. Respecting which, at the relevant time, the director knew
25 that a related person was a party or had a material financial
26 interest.

27 3. "Fair to the corporation" means, for purposes of section
28 490.861, subsection 2, paragraph "c", that the transaction
29 as a whole was beneficial to the corporation, taking into
30 appropriate account whether it was all of the following:

31 a. Fair in terms of the director's dealings with the
32 corporation.

33 b. Comparable to what might have been obtainable in an arm's
34 length transaction, given the consideration paid or received
35 by the corporation.



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1 4. *"Material financial interest"* means a financial interest
2 in a transaction that would reasonably be expected to impair
3 the objectivity of the director's judgment when participating
4 in action on the authorization of the transaction.
5 5. *"Related person"* means any of the following:
6 a. The director's spouse.
7 b. A child, stepchild, grandchild, parent, stepparent,
8 grandparent, sibling, step sibling, half sibling, aunt, uncle,
9 niece, or nephew, or spouse of any thereof, of the director or
10 of the director's spouse.
11 c. An individual living in the same home as the director.
12 d. An entity, other than the corporation or an entity
13 controlled by the corporation, controlled by the director or
14 any person specified in this subsection.
15 e. A domestic or foreign person who is any of the following:
16 (1) A business or nonprofit corporation, other than the
17 corporation or an entity controlled by the corporation, of
18 which the director is a director.
19 (2) An unincorporated entity of which the director is a
20 general partner or a member of the governing body.
21 (3) An individual, trust, or estate for whom or of which the
22 director is a trustee, guardian, personal representative, or
23 like fiduciary.
24 f. A person that is, or an entity that is controlled by, an
25 employer of the director.
26 6. *"Relevant time"* means any of the following:
27 a. The time at which directors' action respecting the
28 transaction is taken in compliance with section 490.862.
29 b. If the transaction is not brought before the board of
30 directors of the corporation, or its committee, for action
31 under section 490.862, at the time the corporation, or an
32 entity controlled by the corporation, becomes legally obligated
33 to consummate the transaction.
34 7. *"Required disclosure"* means disclosure of all of the
35 following:

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1 *a.* The existence and nature of the director's conflicting
2 interest.

3 *b.* All facts known to the director respecting the subject
4 matter of the transaction that a director free of such
5 conflicting interest would reasonably believe to be material in
6 deciding whether to proceed with the transaction.

7 Sec. 40. NEW SECTION. 490.861 Judicial action.

8 1. A transaction effected or proposed to be effected by the
9 corporation, or by an entity controlled by the corporation,
10 shall not be the subject of equitable relief, or give rise to
11 an award of damages or other sanctions against a director of
12 the corporation, in a proceeding by a shareholder or by or in
13 the right of the corporation, on the ground that the director
14 has an interest respecting the transaction, if it is not a
15 director's conflicting interest transaction.

16 2. A director's conflicting interest transaction may
17 not be the subject of equitable relief, or give rise to an
18 award of damages or other sanctions against a director of the
19 corporation, in a proceeding by a shareholder or by or in the
20 right of the corporation, on the ground that the director has
21 an interest respecting the transaction, if any of the following
22 apply:

23 *a.* Directors' action respecting the transaction was taken in
24 compliance with section 490.862 at any time.

25 *b.* Shareholders' action respecting the transaction was taken
26 in compliance with section 490.863 at any time.

27 *c.* The transaction, judged according to the circumstances
28 at the relevant time, is established to have been fair to the
29 corporation.

30 Sec. 41. NEW SECTION. 490.862 Directors' action.

31 1. Directors' action respecting a director's conflicting
32 interest transaction is effective for purposes of section
33 490.861, subsection 2, paragraph "a", if the transaction has
34 been authorized by the affirmative vote of a majority, but
35 no fewer than two, of the qualified directors who voted on

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1 the transaction, after required disclosure by the conflicted
2 director of information not already known by such qualified
3 directors, or after modified disclosure in compliance with
4 subsection 2, provided that all of the following apply:

5 a. The qualified directors have deliberated and voted
6 outside the presence of and without the participation by any
7 other director.

8 b. Where the action has been taken by a committee, all
9 members of the committee were qualified directors, and any of
10 the following apply:

11 (1) The committee was composed of all the qualified
12 directors on the board of directors.

13 (2) The members of the committee were appointed by the
14 affirmative vote of a majority of the qualified directors on
15 the board.

16 2. Notwithstanding subsection 1, when a transaction is
17 a director's conflicting interest transaction only because a
18 related person described in section 490.860, subsection 5,
19 paragraph "e" or "f", is a party to or has a material financial
20 interest in the transaction, the conflicted director is not
21 obligated to make required disclosure to the extent that the
22 director reasonably believes that doing so would violate a
23 duty imposed under law, a legally enforceable obligation of
24 confidentiality, or a professional ethics rule, provided that
25 the conflicted director discloses to the qualified directors
26 voting on the transaction all of the following:

27 a. All information required to be disclosed that is not so
28 violative.

29 b. The existence and nature of the director's conflicting
30 interest.

31 c. The nature of the conflicted director's duty not to
32 disclose the confidential information.

33 3. A majority, but no fewer than two, of all the qualified
34 directors on the board of directors, or on the committee,
35 constitutes a quorum for purposes of action that complies with



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1 this section.

2 4. Where directors' action under this section does not
3 satisfy a quorum or voting requirement applicable to the
4 authorization of the transaction by reason of the articles of
5 incorporation, the bylaws, or a provision of law, independent
6 action to satisfy those authorization requirements must be
7 taken by the board of directors or a committee, in which action
8 directors who are not qualified directors may participate.

9 Sec. 42. NEW SECTION. 490.863 Shareholders' action.

10 1. a. Shareholders' action respecting a director's
11 conflicting interest transaction is effective for purposes of
12 section 490.861, subsection 2, paragraph "b", if a majority of
13 the votes cast by the holders of all qualified shares are in
14 favor of the transaction after all of the following occur:

15 (1) Notice to shareholders describing the action to be taken
16 respecting the transaction.

17 (2) Provision to the corporation of the information
18 referred to in subsection 2.

19 (3) Communication to the shareholders entitled to vote
20 on the transaction of the information that is the subject of
21 required disclosure, to the extent the information is not known
22 by them.

23 b. In the case of shareholders' action at a meeting, the
24 shareholders entitled to vote shall be determined as of the
25 record date for notice of the meeting.

26 2. A director who has a conflicting interest respecting
27 the transaction shall, before the shareholders' vote, inform
28 the secretary or other officer or agent of the corporation
29 authorized to tabulate votes, in writing, of the number of
30 shares that the director knows are not qualified shares under
31 subsection 3, and the identity of the holders of those shares.

32 3. For purposes of this section, all of the following apply:

33 a. "Holder" means and "held by" refers to shares held by
34 both a record shareholder, as defined in section 490.1301,
35 subsection 7, and a beneficial shareholder, as defined in

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1 490.1301, subsection 2.

2 *b. "Qualified shares"* means all shares entitled to be
3 voted with respect to the transaction except for shares that
4 the secretary or other officer or agent of the corporation
5 authorized to tabulate votes either knows, or under subsection
6 2 is notified, are held by any of the following:

7 (1) A director who has a conflicting interest respecting the
8 transaction.

9 (2) A related person of the director, excluding a person
10 described in section 490.860, subsection 5, paragraph "f".

11 4. A majority of the votes entitled to be cast by the
12 holders of all qualified shares constitutes a quorum for
13 purposes of compliance with this section. Subject to the
14 provisions of subsection 5, shareholders' action that otherwise
15 complies with this section is not affected by the presence of
16 holders, or by the voting, of shares that are not qualified
17 shares.

18 5. If a shareholders' vote does not comply with subsection
19 1 solely because of a director's failure to comply with
20 subsection 2, and if the director establishes that the failure
21 was not intended to influence and did not in fact determine the
22 outcome of the vote, the court may take such action respecting
23 the transaction and the director, and may give such effect,
24 if any, to the shareholders' vote, as the court considers
25 appropriate in the circumstances.

26 6. Where shareholders' action under this section does
27 not satisfy a quorum or voting requirement applicable to the
28 authorization of the transaction by reason of the articles of
29 incorporation, the bylaws, or a provision of law, independent
30 action to satisfy those authorization requirements must be
31 taken by the shareholders, in which action shares that are not
32 qualified shares may participate.

33 Sec. 43. Section 490.870, subsection 1, paragraphs a and b,
34 Code 2013, are amended to read as follows:

35 *a.* Action by qualified directors disclaiming the

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1 corporation's interest in the opportunity is taken in
2 compliance with the procedures set forth in section ~~490.832~~
3 490.862, as if the decision being made concerned a director's
4 conflicting interest transaction.

5 **b.** Shareholders' action disclaiming the corporation's
6 interest in the opportunity is taken in compliance with the
7 procedure set forth in section ~~490.832~~ 490.863, as if the
8 decision being made concerned a director's conflicting interest
9 transaction; except that, rather than making the disclosure
10 "required disclosure" as ~~required~~ defined in section ~~490.832~~
11 490.860, in each case the director shall have made prior
12 disclosure to those acting on behalf of the corporation of all
13 material facts concerning the business opportunity that are
14 then known to the director.

15 Sec. 44. Section 490.1003, subsection 2, Code 2013, is
16 amended to read as follows:

17 2. a. Except as provided in sections 490.1005, 490.1007,
18 and 490.1008, after adopting the proposed amendment, the board
19 of directors must submit the amendment to the shareholders for
20 their approval. The board of directors must also transmit to
21 the shareholders a recommendation that the shareholders approve
22 the amendment, unless any of the following apply:

23 (1) The board of directors makes a determination that
24 because of conflicts of interest or other special circumstances
25 it should not make such a recommendation, in which case the

26 (2) Section 490.826 applies.

27 b. If paragraph "a", subparagraph (1) or (2), applies, the
28 board of directors must transmit to the shareholders the basis
29 for the determination so proceeding.

30 Sec. 45. Section 490.1104, subsection 2, Code 2013, is
31 amended to read as follows:

32 2. a. Except as provided in subsection 7 and in section
33 490.1105, after adopting the plan of merger or share exchange
34 the board of directors must submit the plan to the shareholders
35 for their approval. The board of directors must also transmit

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1 to the shareholders a recommendation that the shareholders
2 approve the plan, unless ~~the~~ any of the following apply:
3 (1) The board of directors makes a determination that
4 because of conflicts of interest or other special circumstances
5 it should not make such a recommendation, in which case.

6 (2) Section 490.826 applies.

7 b. If paragraph "a", subparagraph (1) or (2), applies, the
8 board of directors must transmit to the shareholders the basis
9 for that determination so proceeding.

10 Sec. 46. Section 490.1106, subsection 1, unnumbered
11 paragraph 1, Code 2013, is amended to read as follows:

12 After a plan of merger or share exchange has been adopted
13 and approved as required by this chapter, articles of merger
14 or share exchange shall be ~~executed~~ signed on behalf of each
15 party to the merger or share exchange by any officer or other
16 duly authorized representative. The articles shall set forth
17 the following:

18 Sec. 47. Section 490.1108, subsection 2, Code 2013, is
19 amended to read as follows:

20 2. If a merger or share exchange is abandoned under
21 subsection 1 after articles of merger or share exchange have
22 been filed with the secretary of state but before the merger
23 or share exchange has become effective, a statement that the
24 merger or share exchange has been abandoned in accordance with
25 this section, ~~executed~~ signed on behalf of a party to the
26 merger or share exchange by an officer or other duly authorized
27 representative, shall be delivered to the secretary of state
28 for filing prior to the effective date of the merger or share
29 exchange. Upon filing, the statement shall take effect and the
30 merger or share exchange shall be deemed abandoned and shall
31 not become effective.

32 Sec. 48. Section 490.1202, subsection 2, Code 2013, is
33 amended to read as follows:

34 2. a. A disposition that requires approval of the
35 shareholders under subsection 1 shall be initiated by



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1 a resolution by the board of directors authorizing the
2 disposition. After adoption of such a resolution, the board
3 of directors shall submit the proposed disposition to the
4 shareholders for their approval. The board of directors shall
5 also transmit to the shareholders a recommendation that the
6 shareholders approve the proposed disposition, unless ~~the~~ any
7 of the following apply:

8 (1) The board of directors makes a determination that
9 because of conflicts of interest or other special circumstances
10 it should not make such a recommendation, ~~in which case.~~

11 (2) Section 490.826 applies.

12 b. If paragraph "a", subparagraph (1) or (2), applies, the
13 board of directors shall transmit to the shareholders the basis
14 for that determination so proceeding.

15 Sec. 49. Section 490.1301, Code 2013, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 5A. "Interested transaction" means a
18 corporate action described in section 490.1302, subsection 1,
19 other than a merger pursuant to section 490.1105, involving an
20 interested person in which any of the shares or assets of the
21 corporation are being acquired or converted. As used in this
22 definition, all of the following apply:

23 a. "Beneficial owner" means any person who, directly
24 or indirectly, through any contract, arrangement, or
25 understanding, other than a revocable proxy, has or shares the
26 power to vote, or to direct the voting of, shares; except that
27 a member of a national securities exchange is not deemed to be
28 a beneficial owner of securities held directly or indirectly
29 by it on behalf of another person solely because the member is
30 the record holder of the securities if the member is precluded
31 by the rules of the exchange from voting without instruction
32 on contested matters or matters that may affect substantially
33 the rights or privileges of the holders of the securities to
34 be voted. When two or more persons agree to act together for
35 the purpose of voting their shares of the corporation, each

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1 member of the group formed thereby is deemed to have acquired
2 beneficial ownership, as of the date of the agreement, of all
3 voting shares of the corporation beneficially owned by any
4 member of the group.

5 *b. "Excluded shares"* means shares acquired pursuant to an
6 offer for all shares having voting power if the offer was made
7 within one year prior to the corporate action for consideration
8 of the same kind and of a value equal to or less than that paid
9 in connection with the corporate action.

10 *c. "Interested person"* means a person, or an affiliate of a
11 person, who at any time during the one-year period immediately
12 preceding approval by the board of directors of the corporate
13 action was or had any of the following:

14 (1) Was the beneficial owner of twenty percent or more of
15 the voting power of the corporation, other than as owner of
16 excluded shares.

17 (2) Had the power, contractually or otherwise, other than as
18 owner of excluded shares, to cause the appointment or election
19 of twenty-five percent or more of the directors to the board of
20 directors of the corporation.

21 (3) Was a senior executive or director of the corporation
22 or a senior executive of any affiliate thereof, and that
23 senior executive or director will receive, as a result of the
24 corporate action, a financial benefit not generally available
25 to other shareholders as such, other than any of the following:

26 (a) Employment, consulting, retirement, or similar benefits
27 established separately and not as part of or in contemplation
28 of the corporate action.

29 (b) Employment, consulting, retirement, or similar benefits
30 established in contemplation of, or as part of, the corporate
31 action that are not more favorable than those existing before
32 the corporate action or, if more favorable, that have been
33 approved on behalf of the corporation in the same manner as is
34 provided in section 490.862.

35 (c) In the case of a director of the corporation who will,

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1 in the corporate action, become a director of the acquiring
2 entity in the corporate action or one of its affiliates, rights
3 and benefits as a director that are provided on the same basis
4 as those afforded by the acquiring entity generally to other
5 directors of such entity or such affiliate.

6 Sec. 50. Section 490.1302, subsection 2, paragraph a, Code
7 2013, is amended by striking the paragraph and inserting in
8 lieu thereof the following:

9 a. Appraisal rights shall not be available for the holders
10 of shares of any class or series of shares which is any of the
11 following:

12 (1) A covered security under section 18(b)(1)(A) or (B) of
13 the federal Securities Act of 1933, as amended.

14 (2) Traded in an organized market and has at least two
15 thousand shareholders and a market value of at least twenty
16 million dollars, exclusive of the value of such shares held by
17 the corporation's subsidiaries, senior executives, directors,
18 and beneficial shareholders owning more than ten percent of
19 such shares.

20 (3) Issued by an open-end management investment company
21 registered with the United States securities and exchange
22 commission under the federal Investment Company Act of 1940 and
23 may be redeemed at the option of the holder at net asset value.

24 Sec. 51. Section 490.1302, subsection 2, paragraph b,
25 subparagraph (1), Code 2013, is amended to read as follows:

26 (1) The record date fixed to determine the shareholders
27 entitled to receive notice of, ~~and to vote at,~~ the meeting
28 of shareholders to act upon the corporate action requiring
29 appraisal rights.

30 Sec. 52. Section 490.1302, subsection 2, paragraph d, Code
31 2013, is amended by striking the paragraph and inserting in
32 lieu thereof the following:

33 d. Paragraph "a", shall not be applicable and appraisal
34 rights shall be available pursuant to subsection 1 for the
35 holders of any class or series of shares where the corporate

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1 action is an interested transaction.

2 Sec. 53. Section 490.1302, subsection 2, paragraph e, Code
3 2013, is amended by striking the paragraph.

4 Sec. 54. Section 490.1302, subsection 4, Code 2013, is
5 amended by striking the subsection.

6 Sec. 55. Section 490.1320, Code 2013, is amended to read as
7 follows:

8 **490.1320 Notice of appraisal rights.**

9 1. ~~If~~ Where any proposed corporate action described
10 specified in section 490.1302, subsection 1, is to be submitted
11 to a vote at a shareholders' meeting, the meeting notice must
12 state that the corporation has concluded that the shareholders
13 are, are not, or may be entitled to assert appraisal rights
14 under this part. If the corporation concludes that appraisal
15 rights are or may be available, a copy of this part must
16 accompany the meeting notice sent to those record shareholders
17 entitled to exercise appraisal rights.

18 2. In a merger pursuant to section 490.1105, the parent
19 corporation must notify in writing all record shareholders of
20 the subsidiary who are entitled to assert appraisal rights
21 that the corporate action became effective. Such notice must
22 be sent within ten days after the corporate action became
23 effective and include the materials described in section
24 490.1322.

25 3. Where any corporate action specified in section
26 490.1302, subsection 1, is to be approved by written consent
27 of the shareholders pursuant to section 490.704, all of the
28 following apply:

29 a. Written notice that appraisal rights are, are not, or may
30 be available must be sent to each record shareholder from whom
31 a consent is solicited at the time consent of such shareholder
32 is first solicited and, if the corporation has concluded that
33 appraisal rights are or may be available, must be accompanied
34 by a copy of this chapter.

35 b. Written notice that appraisal rights are, are not, or

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1 may be available must be delivered together with the notice to
2 nonconsenting and nonvoting shareholders required by section
3 490.704, subsections 5 and 6, may include the materials
4 described in section 490.1322 and, if the corporation has
5 concluded that appraisal rights are or may be available, must
6 be accompanied by a copy of this chapter.

7 4. Where corporate action described in section 490.1302,
8 subsection 1, is proposed, or a merger pursuant to section
9 490.1105 is effected, the notice referred to in subsection 1
10 or 3, if the corporation concludes that appraisal rights are
11 or may be available, and in subsection 2 shall be accompanied
12 by all of the following:

13 a. The annual financial statements specified in section
14 490.1620, subsection 1, of the corporation that issued the
15 shares that may be subject to appraisal, which shall be as of
16 a date ending not more than sixteen months before the date of
17 the notice and shall comply with section 490.1620, subsection
18 2; provided that, if such annual financial statements are not
19 reasonably available, the corporation shall provide reasonably
20 equivalent financial information.

21 b. The latest available quarterly financial statements of
22 such corporation, if any.

23 5. The right to receive the information described in
24 subsection 4 may be waived in writing by a shareholder before
25 or after the corporate action.

26 Sec. 56. Section 490.1321, Code 2013, is amended to read as
27 follows:

28 **490.1321 Notice of intent to demand payment.**

29 1. If ~~proposed a~~ corporate action ~~requiring appraisal~~
30 ~~rights under~~ specified in section 490.1302, subsection 1, is
31 submitted to a vote at a shareholders' meeting, a shareholder
32 who wishes to assert appraisal rights with respect to any class
33 or series of shares must do all of the following:

34 a. Deliver to the corporation before the vote is taken
35 written notice of the shareholder's intent to demand payment if

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1 the proposed action is effectuated.

2 **b.** Not vote, or cause or permit to be voted, any shares of
3 such class or series in favor of the proposed action.

4 2. If a corporate action specified in section 490.1302,
5 subsection 1, is to be approved by less than unanimous written
6 consent, a shareholder who wishes to assert appraisal rights
7 with respect to any class or series of shares must not sign a
8 consent in favor of the proposed action with respect to that
9 class or series of shares.

10 3. A shareholder who ~~does not~~ fails to satisfy the
11 requirements of subsection 1 or 2, is not entitled to payment
12 under this part.

13 Sec. 57. Section 490.1322, subsection 1, Code 2013, is
14 amended to read as follows:

15 1. If proposed corporate action requiring appraisal rights
16 under section 490.1302, subsection 1, becomes effective, the
17 corporation must ~~deliver~~ send a written appraisal notice
18 and the form required by subsection 2, paragraph "a", to
19 all shareholders who satisfied the requirements of section
20 490.1321, subsection 1, or section 490.1321, subsection 2. In
21 the case of a merger under section 490.1105, the parent must
22 deliver ~~a written~~ an appraisal notice and form to all record
23 shareholders who may be entitled to assert appraisal rights.

24 Sec. 58. Section 490.1322, subsection 2, unnumbered
25 paragraph 1, Code 2013, is amended to read as follows:

26 The appraisal notice must be ~~sent~~ delivered no earlier than
27 the date the corporate action specified in section 490.1302,
28 subsection 1, became effective and no later than ten days after
29 such date and must do all of the following:

30 Sec. 59. Section 490.1322, subsection 2, paragraph a, Code
31 2013, is amended to read as follows:

32 a. ~~Be accompanied by~~ Supply a form that specifies does all
33 of the following:

34 (1) Specifies the first date of any announcement to
35 shareholders made prior to the date the corporate action became

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1 ~~effective of the first announcement to shareholders of the~~
2 ~~principal terms of the proposed corporate action and requires,~~
3 ~~if any.~~

4 (2) If such announcement was made, requires the shareholder
5 asserting appraisal rights to certify whether beneficial
6 ownership of those shares for which appraisal rights are
7 asserted was acquired before that date.

8 (3) Requires the shareholder asserting appraisal rights to
9 ~~certify whether or not beneficial ownership of those shares for~~
10 ~~which appraisal rights are asserted was acquired before that~~
11 ~~date, and that the such shareholder did not vote for or consent~~
12 to the transaction.

13 Sec. 60. Section 490.1322, subsection 2, paragraph b,
14 subparagraph (2), Code 2013, is amended to read as follows:

15 (2) A date by which the corporation must receive the form,
16 which date shall not be fewer than forty nor more than sixty
17 days after the date the appraisal notice ~~and form are~~ is sent
18 under subsection 1, and state that the shareholder shall have
19 waived the right to demand appraisal with respect to the
20 shares unless the form is received by the corporation by such
21 specified date.

22 Sec. 61. Section 490.1323, subsections 1 and 3, Code 2013,
23 are amended to read as follows:

24 1. A shareholder who receives notice pursuant to section
25 490.1322 and who wishes to exercise appraisal rights must
26 ~~certify on~~ sign and return the form sent by the corporation
27 and, in the case of certificated shares, deposit the
28 shareholder's certificates in accordance with the terms of
29 the notice by the date referred to in the notice pursuant to
30 section 490.1322, subsection 2, paragraph "b", subparagraph
31 (2). In addition, if applicable, the shareholder must certify
32 on the form whether the beneficial owner of such shares
33 acquired beneficial ownership of the shares before the date
34 required to be set forth in the notice pursuant to section
35 490.1322, subsection 2, paragraph "a". If a shareholder fails

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1 to make this certification, the corporation may elect to
2 treat the shareholder's shares as after-acquired shares under
3 section 490.1325. In addition, a shareholder who wishes to
4 exercise appraisal rights must execute and return the form and,
5 in a case of certificated shares, deposit the shareholder's
6 certificates in accordance with the terms of the notice
7 by the date referred to in the notice pursuant to section
8 490.1322, subsection 2, paragraph "b", subparagraph (2). Once
9 a shareholder deposits that shareholder's certificates or, in
10 the case of uncertificated shares, returns the ~~executed~~ signed
11 forms, that shareholder loses all rights as a shareholder,
12 unless the shareholder withdraws pursuant to subsection 2.

13 3. A shareholder who does not ~~execute~~ sign and return the
14 form and, in the case of certificated shares, deposit the
15 shareholder's share certificates where required, each by the
16 date set forth in the notice described in section 490.1322,
17 subsection 2, shall not be entitled to payment under this
18 division.

19 Sec. 62. Section 490.1324, subsection 2, paragraph a, Code
20 2013, is amended to read as follows:

21 a. (1) Financial ~~The annual financial statements specified~~
22 in section 490.1620, subsection 1, of the corporation that
23 issued the shares to be appraised, consisting of a balance
24 sheet as of the end of a fiscal year which shall be of a date
25 ending not more than sixteen months before the date of payment,
26 an income statement for that year, a statement of changes
27 in shareholders' equity for that year, and the shall comply
28 with section 490.1620, subsection 2; provided that, if such
29 annual financial statements are not reasonably available, the
30 corporation shall provide reasonably equivalent financial
31 information.

32 (2) The latest available interim quarterly financial
33 statements of such corporation, if any.

34 Sec. 63. Section 490.1325, subsection 1, Code 2013, is
35 amended to read as follows:

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1 1. A corporation may elect to withhold payment required
2 by section 490.1324 from any shareholder who was required to,
3 but did not certify that beneficial ownership of all of the
4 shareholder's shares for which appraisal rights are asserted
5 was acquired before the date set forth in the appraisal notice
6 sent pursuant to section 490.1322, subsection 2, paragraph "a".

7 Sec. 64. Section 490.1331, Code 2013, is amended to read as
8 follows:

9 **490.1331 Court costs and ~~counsel fees~~ expenses.**

10 1. The court in an appraisal proceeding commenced under
11 section 490.1330 shall determine all court costs of the
12 proceeding, including the reasonable compensation and expenses
13 of appraisers appointed by the court. The court shall assess
14 the court costs against the corporation, except that the court
15 may assess court costs against all or some of the shareholders
16 demanding appraisal, in amounts the court finds equitable, to
17 the extent the court finds such shareholders acted arbitrarily,
18 vexatiously, or not in good faith with respect to the rights
19 provided by this division.

20 2. The court in an appraisal proceeding may also assess the
21 ~~fees and expenses of counsel and experts~~ for the respective
22 parties, in amounts the court finds equitable, for either any
23 of the following:

24 a. Against the corporation and in favor of any or all
25 shareholders demanding appraisal if the court finds the
26 corporation did not substantially comply with the requirements
27 of section 490.1320, 490.1322, 490.1324, or 490.1325.

28 b. Against either the corporation or a shareholder demanding
29 appraisal, in favor of any other party, if the court finds that
30 the party against whom the ~~fees and expenses~~ are assessed acted
31 arbitrarily, vexatiously, or not in good faith with respect to
32 the rights provided by this chapter.

33 3. If the court in an appraisal proceeding finds that the
34 ~~services of counsel for~~ expenses incurred by any shareholder
35 were of substantial benefit to other shareholders similarly

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1 situated, and that ~~the fees for those services~~ such expenses
2 should not be assessed against the corporation, the court may
3 ~~award to such counsel reasonable fees to~~ direct that such
4 expenses be paid out of the amounts awarded the shareholders
5 who were benefited.

6 4. To the extent the corporation fails to make a required
7 payment pursuant to section 490.1324, 490.1325, or 490.1326,
8 the shareholder may sue directly for the amount owed and, to
9 the extent successful, shall be entitled to recover from the
10 corporation ~~all costs and~~ expenses of the suit, ~~including~~
11 ~~counsel fees~~.

12 Sec. 65. NEW SECTION. 490.1340 Other remedies limited.

13 1. The legality of a proposed or completed corporate
14 action described in section 490.1302, subsection 1, shall not
15 be contested, nor may the corporate action be enjoined, set
16 aside, or rescinded, in a legal or equitable proceeding by a
17 shareholder after the shareholders have approved the corporate
18 action.

19 2. Subsection 1 does not apply to a corporate action that
20 meets any of the following conditions:

21 a. Was not authorized and approved in accordance with the
22 applicable provisions of any of the following:

23 (1) Division X, XI, or XII of this chapter.

24 (2) The articles of incorporation or bylaws.

25 (3) The resolution of the board of directors authorizing the
26 corporate action.

27 b. Was procured as a result of fraud, a material
28 misrepresentation, or an omission of a material fact necessary
29 to make statements made, in light of the circumstances in which
30 they were made, not misleading.

31 c. Is an interested transaction, unless it has been
32 recommended by the board of directors in the same manner as
33 is provided in section 490.862 and has been approved by the
34 shareholders in the same manner as is provided in section
35 490.863 as if the interested transaction were a director's

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1 conflicting interest transaction.

2 *d.* Is approved by less than unanimous consent of the
3 voting shareholders pursuant to section 490.704, if all of the
4 following apply:

5 (1) The challenge to the corporate action is brought by a
6 shareholder who did not consent and as to whom notice of the
7 approval of the corporate action was not effective at least ten
8 days before the corporate action was effected.

9 (2) The proceeding challenging the corporate action is
10 commenced within ten days after notice of the approval of the
11 corporate action is effective as to the shareholder bringing
12 the proceeding.

13 Sec. 66. Section 490.1402, subsection 2, paragraph a, Code
14 2013, is amended to read as follows:

15 *a.* (1) The board of directors must recommend dissolution to
16 the shareholders unless ~~the~~ any of the following apply:

17 (a) ~~The~~ board of directors determines that because of
18 conflict of interest or other special circumstances it should
19 make no recommendation ~~and communicates.~~

20 (b) Section 490.826 applies.

21 (2) ~~If paragraph "a", subparagraph (1) or (2), applies,~~
22 it must communicate the basis for its determination to the
23 shareholders so proceeding.

24 Sec. 67. Section 490.1430, Code 2013, is amended to read as
25 follows:

26 **490.1430 Grounds for judicial dissolution.**

27 1. The district court may dissolve a corporation in any of
28 the following ways:

29 ~~1-~~ a. A proceeding by the attorney general, if it is
30 established that ~~either~~ any of the following apply:

31 ~~a-~~ (1) The corporation obtained its articles of
32 incorporation through fraud.

33 ~~b-~~ (2) The corporation has continued to exceed or abuse the
34 authority conferred upon it by law.

35 ~~2-~~ b. A proceeding by a shareholder if it is established

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1 that any of the following conditions exist:

2 ~~a.~~ (1) The directors are deadlocked in the management of
3 the corporate affairs, the shareholders are unable to break the
4 deadlock, and either irreparable injury to the corporation is
5 threatened or being suffered, or the business and affairs of
6 the corporation can no longer be conducted to the advantage of
7 the shareholders generally, because of the deadlock.

8 ~~b.~~ (2) The directors or those in control of the corporation
9 have acted, are acting, or will act in a manner that is
10 illegal, oppressive, or fraudulent.

11 ~~c.~~ (3) The shareholders are deadlocked in voting power
12 and have failed, for a period that includes at least two
13 consecutive annual meeting dates, to elect successors to
14 directors whose terms have expired.

15 ~~d.~~ (4) The corporate assets are being misapplied or wasted.

16 ~~3.~~ c. A proceeding by a creditor if it is established that
17 ~~either~~ any of the following apply:

18 ~~a.~~ (1) The creditor's claim has been reduced to judgment,
19 the execution on the judgment returned unsatisfied, and the
20 corporation is insolvent.

21 ~~b.~~ (2) The corporation has admitted in writing that the
22 creditor's claim is due and owing and the corporation is
23 insolvent.

24 ~~4.~~ d. A proceeding by the corporation to have its voluntary
25 dissolution continued under court supervision.

26 e. A proceeding by a shareholder if the corporation has
27 abandoned its business and has failed within a reasonable time
28 to liquidate and distribute its assets and dissolve.

29 2. Subsection 1, paragraph "b", shall not apply in the
30 case of a corporation that, on the date of the filing of the
31 proceeding, has shares which are any of the following:

32 a. Listed on the New York stock exchange, the American stock
33 exchange, or on any exchange owned or operated by the NASDAQ
34 stock market, l.l.c., or listed or quoted on a system owned or
35 operated by the national association of securities dealers,

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1 inc.

2 b. Not so listed or quoted, but are held by at least three
3 hundred shareholders and the shares outstanding have a market
4 value of at least twenty million dollars, exclusive of the
5 value of such shares held by the corporation's subsidiaries,
6 senior executives, directors, and beneficial shareholders
7 owning more than ten percent of such shares.

8 3. As used in this section, "beneficial shareholder" has the
9 meaning specified in section 490.1301, subsection 2.

10 Sec. 68. Section 490.1431, subsection 4, Code 2013, is
11 amended to read as follows:

12 4. Within ten days of the commencement of a proceeding
13 ~~under section 490.1430, subsection 2,~~ to dissolve a corporation
14 ~~that has no shares listed on a national securities exchange or~~
15 ~~regularly traded in a market maintained by one or more members~~
16 ~~of a national securities exchange~~ under section 490.1430,
17 subsection 1, paragraph "b", the corporation must send to all
18 shareholders, other than the petitioner, a notice stating that
19 the shareholders are entitled to avoid the dissolution of the
20 corporation by electing to purchase the petitioner's shares
21 under section 490.1434, and a copy of section 490.1434.

22 Sec. 69. Section 490.1432, subsections 1 and 5, Code 2013,
23 are amended to read as follows:

24 1. A Unless an election to purchase has been filed under
25 section 490.1434, a court in a judicial proceeding brought to
26 dissolve a corporation may appoint one or more receivers to
27 wind up and liquidate, or one or more custodians to manage,
28 the business and affairs of the corporation. The court shall
29 hold a hearing, after notifying all parties to the proceeding
30 and any interested persons designated by the court, before
31 appointing a receiver or custodian. The court appointing a
32 receiver or custodian has exclusive jurisdiction over the
33 corporation and all its property wherever located.

34 5. The court from time to time during the receivership
35 or custodianship may order compensation paid and ~~expense~~

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1 ~~disbursements or reimbursements made~~ expenses paid or
2 reimbursed to the receiver or custodian ~~and the receiver's~~
3 ~~or custodian's counsel~~ from the assets of the corporation or
4 proceeds from the sale of the assets.

5 Sec. 70. Section 490.1434, subsections 1, 2, 4, and 5, Code
6 2013, are amended to read as follows:

7 1. In a proceeding under section 490.1430, subsection 2 1,
8 paragraph "b", to dissolve a corporation ~~that has no shares~~
9 ~~listed on a national securities exchange or regularly traded~~
10 ~~in a market maintained by one or more members of a national or~~
11 ~~affiliated securities association~~, the corporation may elect
12 or, if it fails to elect, one or more shareholders may elect to
13 purchase all shares owned by the petitioning shareholder at the
14 fair value of the shares. An election pursuant to this section
15 shall be irrevocable unless the court determines that it is
16 equitable to set aside or modify the election.

17 2. An election to purchase pursuant to this section may
18 be filed with the court at any time within ninety days after
19 the filing of the petition under section 490.1430, subsection
20 2 1, paragraph "b", or at such later time as the court in its
21 discretion may allow. If the election to purchase is filed
22 by one or more shareholders, the corporation shall, within
23 ten days thereafter, give written notice to all shareholders,
24 other than the petitioner. The notice must state the name
25 and number of shares owned by the petitioner and the name and
26 number of shares owned by each electing shareholder and must
27 advise the recipients of their right to join the election to
28 purchase shares in accordance with this section. Shareholders
29 who wish to participate must file notice of their intention
30 to join in the purchase no later than thirty days after
31 the effective date of the notice to them. All shareholders
32 who have filed an election or notice of their intention to
33 participate in the election to purchase thereby become parties
34 to the proceeding and shall participate in the purchase in
35 proportion to their ownership of shares as of the date the

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1 first election was filed, unless they otherwise agree or the
2 court otherwise directs. After an election has been filed by
3 the corporation or one or more shareholders, the proceeding
4 under section 490.1430, subsection 2 1, paragraph "b", shall
5 not be discontinued or settled, nor shall the petitioning
6 shareholder sell or otherwise dispose of the shareholder's
7 shares, unless the court determines that it would be equitable
8 to the corporation and the shareholders, other than the
9 petitioner, to permit such discontinuance, settlement, sale, or
10 other disposition.

11 4. If the parties are unable to reach an agreement as
12 provided for in subsection 3, the court, upon application of
13 any party, shall stay the section 490.1430, subsection 2 1,
14 paragraph "b", proceedings and determine the fair value of the
15 petitioner's shares as of the day before the date on which the
16 petition under section 490.1430, subsection 2 1, paragraph
17 "b", was filed or as of such other date as the court deems
18 appropriate under the circumstances.

19 5. Upon determining the fair value of the shares, the
20 court shall enter an order directing the purchase upon such
21 terms and conditions as the court deems appropriate, which may
22 include payment of the purchase price in installments, where
23 necessary in the interests of equity, provision for security
24 to assure payment of the purchase price and any additional
25 costs, fees, and expenses as may have been awarded, and, if
26 the shares are to be purchased by shareholders, the allocation
27 of shares among them. In allocating petitioner's shares among
28 holders of different classes of shares, the court shall attempt
29 to preserve the existing distribution of voting rights among
30 holders of different classes insofar as practicable and may
31 direct that holders of a specific class or classes shall not
32 participate in the purchase. Interest may be allowed at the
33 rate and from the date determined by the court to be equitable,
34 but if the court finds that the refusal of the petitioning
35 shareholder to accept an offer of payment was arbitrary or

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1 otherwise not in good faith, no interest shall be allowed. If
2 the court finds that the petitioning shareholder has probable
3 grounds for relief under section 490.1430, subsection 2 1,
4 paragraph ~~"b"~~ or ~~"d"~~, subparagraph (2) or (4), it may award to
5 the petitioning shareholder reasonable fees and expenses of
6 counsel and of any experts employed by the shareholder.

7 Sec. 71. Section 490.1508, subsection 2, Code 2013, is
8 amended to read as follows:

9 2. If ~~a registered agent changes~~ the street address of the
10 a registered agent's business office changes, the ~~registered~~
11 agent may change the street address of the registered office
12 of any foreign corporation for which the agent person is the
13 registered agent by notifying the corporation in writing of
14 the change, and signing, ~~either manually or in facsimile~~, and
15 delivering to the secretary of state for filing a statement of
16 change that complies with the requirements of subsection 1 and
17 recites that the corporation has been notified of the change.

18 Sec. 72. NEW SECTION. 490.1523 Transfer of authority.

19 1. A foreign business corporation authorized to transact
20 business in this state that converts to a foreign nonprofit
21 corporation or to any form of foreign unincorporated entity
22 that is required to obtain a certificate of authority or make
23 a similar type of filing with the secretary of state if it
24 transacts business in this state shall file with the secretary
25 of state an application for transfer of authority signed by
26 any officer or other duly authorized representative. The
27 application shall set forth all of the following:

28 a. The name of the corporation.

29 b. The type of unincorporated entity to which it has been
30 converted and the jurisdiction whose laws govern its internal
31 affairs.

32 c. Any other information that would be required in a filing
33 under the laws of this state by an unincorporated entity of the
34 type the corporation has become seeking authority to transact
35 business in this state.



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1 2. The application for transfer of authority shall be
2 delivered to the secretary of state for filing and shall take
3 effect at the effective time provided in section 490.123.

4 3. Upon the effectiveness of the application for transfer of
5 authority, the authority of the corporation under this chapter
6 to transact business in this state shall be transferred without
7 interruption to the converted entity which shall thereafter
8 hold such authority subject to the provisions of the laws of
9 this state applicable to that type of unincorporated entity.

10 Sec. 73. Section 490.1601, subsection 4, Code 2013, is
11 amended to read as follows:

12 4. A corporation shall maintain its records in ~~written~~
13 the form of a document, including an electronic record, or in
14 another form capable of conversion into ~~written paper~~ form
15 within a reasonable time.

16 Sec. 74. Section 490.1602, Code 2013, is amended to read as
17 follows:

18 **490.1602 Inspection of records by shareholders.**

19 1. A shareholder of a corporation is entitled to
20 inspect and copy, during regular business hours at the
21 corporation's principal office, any of the records of the
22 corporation described in section 490.1601, subsection 5, if the
23 shareholder gives the corporation signed written notice of the
24 shareholder's demand at least five business days before the
25 date on which the shareholder wishes to inspect and copy.

26 2. For any meeting of shareholders for which the record date
27 for determining shareholders entitled to vote at the meeting
28 is different than the record date for notice of the meeting,
29 any person who becomes a shareholder subsequent to the record
30 date for notice of the meeting and is entitled to vote at
31 the meeting is entitled to obtain from the corporation upon
32 request the notice and any other information provided by the
33 corporation to shareholders in connection with the meeting,
34 unless the corporation has made such information generally
35 available to shareholders by posting it on its internet site or



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1 by other generally recognized means. Failure of a corporation
2 to provide such information does not affect the validity of
3 action taken at the meeting.

4 3. A shareholder of a corporation is entitled to inspect and
5 copy, during regular business hours at a reasonable location
6 specified by the corporation, any of the following records
7 of the corporation if the shareholder meets the requirements
8 of subsection ~~3~~ 4 and gives the corporation a signed written
9 notice of the shareholder's demand at least five business days
10 before the date on which the shareholder wishes to inspect and
11 copy any of the following:

12 a. Excerpts from minutes of any meeting of the board of
13 directors, ~~records of any action of~~ or a committee of the board
14 of directors while acting in place of the board of directors
15 on behalf of the corporation, minutes of any meeting of the
16 shareholders, and records of action taken by the shareholders,
17 ~~or~~ board of directors, or a committee of the board without
18 a meeting, to the extent not subject to inspection under
19 subsection ~~1~~ of this section.

20 b. Accounting records of the corporation.

21 c. The record of shareholders.

22 ~~3-~~ 4. A shareholder may inspect and copy the records
23 described in subsection ~~2~~ 3 only if all of the following apply:

24 a. The shareholder's demand is made in good faith and for
25 a proper purpose.

26 b. The shareholder describes with reasonable particularity
27 the shareholder's purpose and the records the shareholder
28 desires to inspect.

29 c. The records are directly connected with the shareholder's
30 purpose.

31 ~~4-~~ 5. The right of inspection granted by this section shall
32 not be abolished or limited by a corporation's articles of
33 incorporation or bylaws.

34 ~~5-~~ 6. This section does not affect ~~either~~ any of the
35 following:

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1 a. The right of a shareholder to inspect records under
2 section 490.720 or, if the shareholder is in litigation with
3 the corporation, to the same extent as any other litigant.
4 b. The power of a court, independently of this chapter, to
5 compel the production of corporate records for examination.
6 7. For purposes of this section, "shareholder" includes a
7 beneficial owner whose shares are held in a voting trust or by
8 a nominee on the shareholder's behalf.

9 Sec. 75. Section 490.1603, subsection 3, Code 2013, is
10 amended to read as follows:

11 3. The corporation may comply at its expense with a
12 shareholder's demand to inspect the record of shareholders
13 under section 490.1602, ~~subsection 2, paragraph "c",~~ by
14 providing the shareholder with a list of shareholders that was
15 compiled no earlier than the date of the shareholder's demand.

16 Sec. 76. Section 490.1604, subsection 2, Code 2013, is
17 amended to read as follows:

18 2. If a corporation does not within a reasonable time
19 allow a shareholder to inspect and copy any other records, the
20 shareholder who complies with section 490.1602, ~~subsections 2~~
21 ~~and 3~~ may apply to the district court in the county where the
22 corporation's principal office or, if none in this state, its
23 registered office is located for an order to permit inspection
24 and copying of the records demanded. The court shall dispose
25 of an application under this subsection on an expedited basis.

26 Sec. 77. Section 490.1606, subsection 1, Code 2013, is
27 amended to read as follows:

28 1. Whenever notice ~~is~~ would otherwise be required to be
29 given under any provision of this chapter to ~~any~~ a shareholder,
30 such notice ~~shall need not be required to be~~ given if either
31 any of the following ~~applies~~ apply:

32 a. ~~Notice~~ Notices to the shareholders of two consecutive
33 annual meetings, and all notices of meetings during the period
34 between such two consecutive annual meetings, have been sent to
35 such shareholder at such shareholder's address as shown on the

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1 records of the corporation and have been returned undeliverable
2 or could not be delivered.

3 *b.* All, but not less than two, payments of dividends on
4 securities during a twelve-month period, or two consecutive
5 payments of dividends on securities during a period of more
6 than twelve months, have been sent to such shareholder at
7 such shareholder's address as shown on the records of the
8 corporation and have been returned undeliverable or could not
9 be delivered.

10 Sec. 78. Section 490.1620, Code 2013, is amended by striking
11 the section and inserting in lieu thereof the following:

12 **490.1620 Financial statements for shareholders.**

13 1. A corporation shall deliver to its shareholders
14 annual financial statements, which may be consolidated or
15 combined statements of the corporation and one or more of its
16 subsidiaries, as appropriate, that include a balance sheet as
17 of the end of the fiscal year, an income statement for that
18 year, and a statement of changes in shareholders' equity for
19 the year unless that information appears elsewhere in the
20 financial statements. If financial statements are prepared for
21 the corporation on the basis of generally accepted accounting
22 principles, the annual financial statements must also be
23 prepared on that basis.

24 2. If the annual financial statements are reported upon by a
25 public accountant, the report must accompany them. If not, the
26 statements must be accompanied by a statement of the president
27 or the person responsible for the corporation's accounting
28 records which does all of the following:

29 *a.* States such person's reasonable belief whether the
30 statements were prepared on the basis of generally accepted
31 accounting principles and, if not, describing the basis of
32 preparation.

33 *b.* Describes any respects in which the statements were
34 not prepared on a basis of accounting consistent with the
35 statements prepared for the preceding year.

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1 3. Within one hundred twenty days after the close of each
2 fiscal year, the corporation shall send the annual financial
3 statements to each shareholder. Thereafter, on written
4 request from a shareholder to whom the statements were not
5 sent, the corporation shall send the shareholder the latest
6 financial statements. A public corporation may fulfill its
7 responsibilities under this section by delivering the specified
8 financial statements, or otherwise making them available, in
9 any manner permitted by the applicable rules and regulations of
10 the United States securities and exchange commission.

11 Sec. 79. Section 490.1703, Code 2013, is amended by adding
12 the following new subsection:

13 NEW SUBSECTION. 3. In the event that any provision of this
14 chapter is deemed to modify, limit, or supersede the federal
15 Electronic Signatures in Global and National Commerce Act, 15
16 U.S.C. § 7001 et seq., the provisions of this chapter shall
17 control to the maximum extent permitted by section 102(a)(2) of
18 that federal Act.

19 Sec. 80. REPEAL. Section 490.832, Code 2013, is repealed.

20 Sec. 81. EFFECTIVE DATE. This division of this Act takes
21 effect January 1, 2014.

22 DIVISION II

23 FUTURE PROVISIONS

24 Sec. 82. Section 490.140, subsection 21A, Code 2013, is
25 amended by striking the subsection and inserting in lieu
26 thereof the following:

27 21A. "*Public corporation*" means a corporation that
28 has a class of voting stock that is listed on a national
29 securities exchange or held of record by more than two thousand
30 shareholders.

31 Sec. 83. Section 490.732, subsection 4, Code 2013, is
32 amended by striking the subsection and inserting in lieu
33 thereof the following:

34 4. An agreement authorized by this section shall cease to be
35 effective when the corporation becomes a public corporation.

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1 If the agreement ceases to be effective for any reason, the
2 board of directors may, if the agreement is contained or
3 referred to in the corporation's articles of incorporation or
4 bylaws, adopt an amendment to the articles of incorporation or
5 bylaws, without shareholder action, to delete the agreement and
6 any references to it.

7 Sec. 84. EFFECTIVE DATE. This division of this Act takes
8 effect upon the repeal of 2011 Iowa Acts, chapter 2, as
9 provided in section 9, subsection 1, of that Act.

10 EXPLANATION

11 BACKGROUND. The "Iowa Business Corporation Act" (Code
12 chapter 490), a model Act adopted by the American Bar
13 Association, governs the requirements for the creation,
14 organization, and operation of corporations and the
15 relationship between shareholders, directors, and officers of
16 the corporation. Generally, the Act's provisions establish
17 default requirements and procedures which may be modified by a
18 corporation's articles of incorporation or bylaws.

19 PUBLIC CORPORATIONS. A public corporation is a corporation
20 that has a class of voting stock that is listed on a national
21 securities exchange or held of record by more than 2,000
22 shareholders (Code section 490.140). The bill amends the
23 definition to eliminate the reference to a class of shares
24 or number of shareholders. It provides that a corporation
25 is public if traded in a market maintained by a member of
26 the national securities association. The bill also amends
27 a provision regulating shareholder agreements that govern a
28 corporation's corporate affairs including by eliminating or
29 restricting the powers of its board of directors (Code section
30 490.732). Specifically, the bill provides that a shareholder
31 agreement is automatically terminated when the corporation
32 becomes public. These provisions take effect January 1, 2015.

33 NOTICES, DOCUMENTS, AND COMMUNICATION. A notice must be
34 in writing unless oral notice is reasonable (Code section
35 490.141). The bill requires that notices be in English.

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1 It provides for the electronic transmission and receipt
2 and acknowledgment of information. The bill replaces the
3 requirement that documents be executed with a requirement
4 that they be signed, including documents associated with
5 the adoption or abandonment of articles of merger or share
6 exchange (Code sections 490.1106 and 490.1108). The bill also
7 authorizes a corporation to keep its records in an electronic
8 form so long as it can be converted into a paper form (Code
9 section 490.1601). The corporation is required to deliver a
10 written notice, report, or statement to shareholders who share
11 a common address, complies with delivery requirements, by
12 delivering to that address, unless a shareholder makes a timely
13 objection (Code section 490.144).

14 QUALIFIED DIRECTORS. In a number of circumstances a
15 director must be considered "disinterested" when taking an
16 action affecting the welfare of the corporation. The bill
17 eliminates the term "disinterested" and replaces it with
18 "qualified" (Code section 490.143; see Code sections 490.853
19 and 490.855). The bill requires a director to be qualified
20 under different circumstances which may involve board action
21 or court proceedings. For purposes of dismissing a derivative
22 proceeding by a court based on a good-faith determination of
23 directors (Code section 490.744), directors are qualified if
24 they do not have a material interest in the outcome of the
25 proceeding or a material relationship with a person who has
26 such an interest. For purposes of advancing expenses to a
27 board member before the disposition of a case (Code section
28 490.853) or later indemnifying a director (Code section
29 490.855), the authorization must be made by directors who are
30 qualified because they are not parties to the proceeding, do
31 not have a conflicting interest in the related transaction,
32 and do not have a material relationship with a director
33 who is a party or has a conflicting interest. For purposes
34 of voting to excuse a director from a conflicting interest
35 transaction (Code section 490.862), the vote must be taken



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1 by directors who are qualified because they do not have a
2 conflict or have a material relationship with the director who
3 does have a conflict. For purposes of determining whether a
4 director may take advantage of a business opportunity because
5 other directors disclaimed the corporation's interest in the
6 opportunity (Code section 490.870), the directors are qualified
7 if the business opportunity was a conflicting interest
8 transaction for those directors.

9 DIRECTORS AND OFFICERS — FUNCTIONS AND DUTIES. Generally,
10 a corporation must have a board of directors, unless dispensed
11 with pursuant to a shareholder agreement (Code sections 490.801
12 and 490.732). The bill provides that the business affairs of a
13 corporation may be subject to the directors' oversight rather
14 than direct management. It authorizes a corporate officer to
15 designate recipients of compensation awards (e.g., rights,
16 options, or warrants associated with shares) (Code section
17 490.624). The bill substitutes the term "functions" in lieu
18 of "duties" in some places when referring to an officer's
19 obligations (Code section 490.841).

20 SHAREHOLDER MEETINGS — WRITTEN CONSENT IN LIEU OF HOLDING
21 MEETINGS. Shareholders are allowed to act by written consent
22 without holding a meeting if the action is taken by unanimous
23 written consent (Code section 490.704). The bill provides that
24 except for a public corporation, a corporation's articles of
25 incorporation may provide for shareholder action by less than
26 unanimous written consent, if a written consent is signed by
27 shareholders having the minimum number of votes that would
28 be required to authorize the action at a shareholder meeting
29 assuming that all shareholders entitled to vote were present.
30 It creates a corresponding exception to the requirement
31 that a corporation must hold at least one annual shareholder
32 meeting, presumably to elect directors (Code sections 490.701
33 and 490.803), by providing that the annual meeting is not
34 necessary when directors are elected by the written consent of
35 shareholders. The bill also provides a number of procedures

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1 for providing notice to shareholders and tabulating written
2 consents delivered to the corporation.
3 SHAREHOLDER MEETING — RECORD DATE. A corporation
4 establishes procedures for providing notice to and voting by
5 shareholders at a meeting (or by written consent) according to
6 a record date. The record date determines both shareholders
7 who are entitled to notice of the meeting and to vote at
8 the meeting. The catch-all provision states that the record
9 date is the date before notice is mailed to a voting group or
10 shareholders (Code section 490.705), although a record date
11 may be established by court order (Code section 490.703) or
12 according to the corporation's bylaws or board of directors
13 (Code section 490.707). The bill provides that there may be
14 more than one record date. According to the bill, the record
15 date for a shareholder meeting may be established by the
16 corporation's bylaws or by the board unless the board provides
17 a different date to determine shareholders entitled to vote at
18 the meeting (Code section 490.707). The bill provides that
19 the corporation may be required to provide a list of names of
20 shareholders entitled to vote at the meeting, to be available
21 for inspection (Code section 490.720). The record date is
22 also used to determine when appraisal rights of shareholders
23 apply (Code section 490.1302). The bill requires shareholders'
24 appraisal rights to be triggered on the record date by tying
25 it only to when a shareholder is entitled to receive notice
26 and not when entitled to vote on the matter. The bill also
27 provides that the board may fix a record date for determining
28 when a shareholder is entitled to vote that is different than
29 the record date for determining when a shareholder is entitled
30 to notice of the meeting. A person who becomes a shareholder
31 after the record date for the notice, and is otherwise entitled
32 to vote at the meeting, may obtain the notice and other
33 information provided to the shareholders in preparation for the
34 meeting (Code sections 490.1602 and 490.1606).
35 SHAREHOLDER MEETINGS — REMOTE PARTICIPATION. The bill

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1 authorizes shareholders to participate in a meeting of
2 shareholders by means of remote communication to the extent
3 approved by the board (Code section 490.709).

4 ELECTIONS AND VOTING — CUMULATIVE VOTING. Generally,
5 directors are elected by a plurality of votes cast unless the
6 corporation's articles of incorporation provide for cumulative
7 voting allowing shareholders to cast all their votes for a
8 single candidate (Code section 490.728). The bill provides
9 that shareholders otherwise entitled to vote cumulatively
10 cannot so vote unless the meeting notice authorizes it, or a
11 shareholder who has that right gives notice to the corporation
12 before the meeting.

13 LEGAL PROCEEDING — DERIVATIVE ACTIONS. As a result of a
14 derivative action, the court may order a corporation to pay
15 the plaintiff's expenses (defined in Code section 490.140)
16 if the court determines that the proceeding has resulted in
17 substantial benefit to the corporation and alternatively may
18 order the plaintiff to pay the defendant's expenses if it
19 finds the proceeding was commenced without reasonable cause
20 or for an improper purpose (Code section 490.746). The bill
21 eliminates the court's statutory authority to order the payment
22 of attorney fees.

23 PROCEEDINGS — COURT APPOINTMENT OF A CUSTODIAN OR RECEIVER.
24 The bill provides that a shareholder may obtain relief from a
25 court, due to an injury suffered by the corporation due to the
26 action or inaction of the board (through deadlock or fraud) or
27 because the corporation is insolvent (Code section 490.748).
28 The custodian or receiver appointed by the court has all
29 authority to manage the corporation as provided by court order.

30 DIRECTOR RESIGNATION. The bill provides for when a
31 director's resignation takes effect, including upon the
32 happening of a specific event (Code section 490.807). It also
33 provides that a director's resignation may be made irrevocable,
34 if it is conditioned upon the failure to receive a specified
35 vote as a director.

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1 ELECTIONS AND VOTING. The bill also provides that in the
2 case of a director's vacancy, where a director was elected
3 by a voting group of shareholders, and the vacancy is to be
4 filled by the remaining directors, only directors elected by
5 that voting group may vote to fill the vacancy (Code section
6 490.810).

7 RIGHT OF SHAREHOLDERS TO VOTE. The bill provides that a
8 corporation may agree to submit a matter to a vote of its
9 shareholders even if the board determines not to recommend
10 the matter (Code section 490.826). It expressly authorizes
11 such vote on an amendment to the corporation's articles of
12 incorporation (Code section 490.1003), an action on a plan of
13 merger or share exchange (Code section 490.1104), the approval
14 of a plan of merger or share exchange (Code section 490.1106),
15 and the dissolution of the corporation (Code section 490.1402).

16 PROCEEDINGS — ADVANCING FUNDS TO A DIRECTOR OR INDEMNIFYING
17 A DIRECTOR FOR EXPENSES. A corporation may advance funds to a
18 director or indemnify the director for legal expenses incurred
19 in the course of a director's defense of an act or omission
20 (Code sections 490.850, 490.853, 490.855, and 490.858). The
21 bill provides that in the case of advances, writings required
22 to be submitted to the board (e.g., an affirmation that the
23 director acted in compliance with applicable standards of
24 conduct or a promise to repay advanced funds) must be in
25 writing (Code section 490.853). It also provides that when
26 the board authorizes an advance or indemnification, the voting
27 directors must be qualified rather than disinterested (Code
28 sections 490.853 and 490.854). Finally, the bill provides that
29 the defending director's right to an advance or indemnification
30 in effect prior to the director's act or omission cannot be
31 eliminated or impaired after the conduct occurred, unless that
32 right was expressly qualified in the authorization (i.e., in
33 the articles of incorporation, bylaws, or board's resolution)
34 (Code section 490.858).

35 DIRECTOR'S CONFLICT OF INTEREST — GENERAL. Generally, a

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1 director is prohibited from taking action on a matter which
2 would be detrimental to the interests of the corporation. The
3 bill replaces the current provision addressing a director's
4 conflict of interest (Code section 490.832) with four
5 provisions (Code sections 490.860 through 490.863) that
6 govern conflicting interest transactions. In order to be so
7 classified, a transaction must be effectuated or proposed to
8 be effectuated by the corporation or an entity controlled
9 by the corporation. In addition, the director must be in a
10 special position to take personal advantage of the transaction,
11 as a party to the transaction or by virtue of the fact that
12 the director, or a related person, has a material financial
13 interest in the transaction. The bill provides that a director
14 is related to a person if the person is a close family member,
15 an individual who lives in the same home, or another entity
16 controlled by the director. The bill provides that in order
17 for a court to invalidate a transaction or otherwise provide a
18 legal or equitable remedy, such conduct must fall within the
19 statutory parameters (Code section 490.861). The definition
20 of "director's conflicting interest transaction" requires
21 knowledge of the transaction, except where the director is a
22 party. In addition, the transaction must occur at a relevant
23 time, meaning the time at the which the director's action is
24 required (e.g., a board vote) or when the director's action
25 somehow consummates the transaction (Code section 490.862).

26 DIRECTOR'S CONFLICT OF INTEREST — EXCUSED TRANSACTIONS
27 (SAFE HARBOR EXCEPTION). The bill excuses a director's
28 conduct, and consequently validates the transaction, even if
29 there exists a conflicting interest transaction (Code section
30 490.861), sometimes referred to as "safe harbor", in certain
31 circumstances. First, it may be excused if a majority of
32 qualified directors (but not less than two) vote to approve
33 the transaction or the action is approved by an authorized
34 committee in which all members are qualified directors (Code
35 section 490.862). The director who has the conflict must

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1 disclose information regarding the conflict to the extent that
2 the information is not required to be protected under law or
3 some ethical rule of confidentiality (Code section 490.862).
4 The transaction is excused if the shareholders later ratify
5 the transaction according to specific procedural requirements
6 (Code section 490.863) after disclosure (but no provision for
7 limited disclosure). Finally, the transaction is excused if
8 the transaction is fair to the corporation, although neither
9 directors' nor shareholders' action was taken. The bill
10 provides that in any legal action attacking a director, the
11 plaintiff has the burden of proof (Code section 490.831).

12 DIRECTOR'S BUSINESS OPPORTUNITY (SAFE HARBOR EXCEPTION).
13 An analogous situation to a conflicting interest transaction
14 is when a director seeks a corporation's permission prior to
15 the director's action. The bill allows qualified directors
16 or shareholders to disclaim the corporation's interest before
17 the director proceeds in taking advantage of the business
18 opportunity (see Code section 490.870). Instead of making a
19 "required disclosure" as provided for conflicts (Code sections
20 490.860 and 490.862), the director must provide the corporation
21 material facts concerning the business opportunity then
22 known. The qualified directors or shareholders disclaiming
23 the corporation's interest must be done in the same manner
24 as if the matter concerned a director's conflicting interest
25 transaction (Code sections 490.862 and 490.863). However, a
26 director's decision not to use the procedures for disclaimer
27 does not create a negative inference or alter a burden of
28 proof in a subsequent action alleging an improper taking of a
29 corporate opportunity.

30 SHAREHOLDER APPRAISAL RIGHTS — GENERAL RULE. A number of
31 corporate actions may trigger the right of a shareholder to
32 obtain an appraisal of the corporation and obtain fair payment
33 of shares, including mergers, share exchanges, disposition
34 of assets, amendments to the articles of incorporation, and
35 conversion of the corporation to another entity (Code section

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1 490.1302). A corporation must pay shareholders the amount the
2 corporation estimates to be the fair value of the shares plus
3 interest (Code section 490.1324).

4 SHAREHOLDER APPRAISAL RIGHTS — LIMITATION ON THE GENERAL
5 RULE (MARKET-OUT EXCEPTION). The general rule is limited in
6 the case where there are at least 2,000 shareholders and the
7 market value of the shares equals at least \$20 million (the
8 so-called "market-out" exception), presumably because the true
9 value for the shares can be obtained on the market. However,
10 the amount does not include shares held by the corporation's
11 subsidiaries, senior executives, directors, and beneficial
12 shareholders owning more than 10 percent of the shares.
13 "Beneficial ownership" refers to the control of shares by a
14 person who does not own them including the power to vote, or to
15 direct the voting of the shares (Code section 490.1302).

16 SHAREHOLDER APPRAISAL RIGHTS — NEW MARKET-OUT EXCEPTIONS.
17 The bill provides two new categories under the market-out
18 exception: (1) when the shares are classified as a covered
19 security regulated by the United States securities exchange
20 commission under the federal Securities Act of 1933, and (2)
21 when the shares are issued by an open-end management investment
22 company registered by the securities and exchange commission
23 under the federal Investment Company Act of 1940 (Code section
24 490.1302).

25 SHAREHOLDER APPRAISAL RIGHTS — LIMITATIONS ON THE
26 MARKET-OUT EXCEPTIONS. The bill eliminates a provision
27 which allows shareholder appraisal rights notwithstanding
28 the market-out exception in cases where the corporation's
29 shares or assets are being acquired or converted, whether by
30 merger, share exchange, or otherwise (Code section 490.1302).
31 Instead, the bill allows such rights in cases where the
32 corporate action involves an interested transaction, which is a
33 corporate action, other than a merger, involving an interested
34 person in which the shares or assets of the corporation are
35 being acquired or converted. A person is "interested" if

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1 the person is a beneficial owner of 20 percent or more of
2 the corporation's voting shares, controlled the appointment
3 or election of 25 percent or more of the directors, or was a
4 senior executive or director of the corporation entitled to
5 receive certain financial benefits (Code section 490.1301).
6 SHAREHOLDER APPRAISAL RIGHTS — NOTICE. A corporation must
7 notify shareholders of their appraisal rights when a corporate
8 action is submitted to a vote at a shareholder meeting (Code
9 section 490.1320). The bill provides for notice when approval
10 is performed by written consent in lieu of a meeting (Code
11 section 490.704). A shareholder must provide notice of an
12 intent to exercise appraisal rights before the corporate action
13 (vote) is taken (Code section 490.1321). In order to remain
14 eligible to exercise those rights, the shareholder must not
15 vote on the matter. A shareholder who plans on asserting
16 appraisal rights cannot likewise exercise rights after signing
17 a consent in favor of the proposal (Code section 490.1321).
18 If a corporate action requiring appraisal rights becomes
19 effective, the corporation must deliver a written appraisal
20 notice and form (Code section 490.1322). The bill provides for
21 the contents of the notice, including information regarding
22 an announcement to shareholders made prior to the date the
23 corporate action became effective and requires a shareholder
24 asserting appraisal rights to certify beneficial ownership.
25 The bill provides for perfecting shareholder appraisal rights
26 by signing and returning the form (Code section 490.1323). The
27 bill provides an estimated (prepaid) payment to shareholders
28 exercising their appraisal rights after the form's due date
29 (Code section 490.1324). The bill provides for a financial
30 statement required to accompany the payment (Code section
31 490.1620), and allows the corporation to substitute another
32 document in lieu of a financial statement if it is unavailable.
33 SHAREHOLDER APPRAISAL RIGHTS — COURT COSTS. As part of
34 a shareholder appraisal rights proceeding, the court must
35 determine the court costs of the proceeding, and may assess

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1 such costs against the corporation or shareholders demanding
2 appraisal (Code section 490.1331). The bill amends the
3 provision to eliminate a court's discretion to assess fees
4 associated with attorneys and experts.

5 SHAREHOLDER RIGHTS — LIMITATION ON OTHER REMEDIES. The
6 bill provides that a corporate action triggering a right to
7 appraisal (Code section 490.1302) cannot be enjoined, set
8 aside, or rescinded by a shareholder after the shareholder
9 has approved the corporate action (Code section 490.1340).
10 However, this limitation does not apply to four situations:
11 (1) where the process of approving the corporate action was
12 flawed (e.g., unauthorized in the corporation's articles of
13 incorporation), (2) the corporate action was procured by fraud,
14 (3) the corporate action was an interested transaction in the
15 same manner as a director's conflicting interest transaction
16 (Code section 490.860), or (4) the transaction was approved,
17 but without a meeting (Code section 490.704) and by less
18 than unanimous consent and the challenge is brought by a
19 nonconsenting director.

20 JUDICIAL DISSOLUTION — LIMITATION ON ACTIONS. A court may
21 dissolve a corporation in a proceeding brought by shareholders
22 on a number of grounds, including the directors are deadlocked,
23 the directors are acting fraudulently, the shareholders
24 are deadlocked, or there is waste of corporate assets (Code
25 section 490.1430). The bill adds a new ground, that the
26 corporation has abandoned its business and failed to liquidate
27 and distribute its assets and dissolve. The bill also
28 provides that the right of a shareholder to bring the action
29 does not apply to a corporation listed on the New York stock
30 exchange, the American stock exchange, an exchange owned or
31 controlled by NASDAQ, or listed on a system owned or controlled
32 by the national association of security dealers (NASD).
33 Alternatively, it does not apply to a corporation having 300
34 or more shareholders holding shares valued at \$20 million
35 or more, again excluding shares held by the corporation's

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1 subsidiaries, senior executives, directors, and beneficial
2 shareholders owning more than 10 percent of the shares (Code
3 section 490.1302).

4 **FOREIGN CORPORATIONS — TRANSFER OF AUTHORITY.** The bill
5 provides for the conversion of a foreign business corporation
6 authorized to do business in this state into a domestic
7 corporation by applying to the secretary of state (Code section
8 490.1523).

9 **REPLACEMENT OF FUTURE REPEALED PROVISIONS.** In 2011, the
10 general assembly enacted SF 325 (2011 Iowa Acts, chapter
11 2), carving out a special provision which provided for the
12 staggered terms of directors of public corporations and
13 providing for the repeal of the Act on December 31, 2014.
14 The Act took effect on March 23, 2011. The effect of the
15 repeal is to restore the provisions to their March 22, 2011
16 effective date. This bill amends two provisions affected by SF
17 325. First, it reenacts a definition of "public corporation"
18 which is repealed on December 31, 2014 (Code section 490.140).
19 Second, it rewrites a provision which provides that a
20 shareholder agreement is nullified when a corporation becomes a
21 public corporation (Code section 490.732).



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House File 470 - Introduced

HOUSE FILE 470
BY MASCHER

A BILL FOR

1 An Act relating to the use of safety helmets by motorcycle and
2 motorized bicycle operators and passengers, and making a
3 penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.275, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *c. Helmets.*

4 (1) The operator and any passenger shall each wear a safety
5 helmet when riding on a motorcycle or motorized bicycle on a
6 highway. A person shall not operate a motorcycle or motorized
7 bicycle on a highway if the operator or any passenger is
8 not wearing a safety helmet. A person shall not ride as a
9 passenger on a motorcycle being operated on a highway if the
10 operator or the person who is a passenger is not wearing a
11 safety helmet.

12 (2) For purposes of this paragraph "*c*", "*wear a safety*
13 *helmet*" or "*wearing a safety helmet*" means having an approved
14 safety helmet on the person's head that is fastened with the
15 helmet straps and that is of a size that fits the person's
16 head securely without excessive lateral or vertical movement.
17 "*Approved safety helmet*" means a safety helmet that complies
18 with the standards and specifications established in 49 C.F.R.
19 § 571.218. The department shall adopt rules establishing
20 guidelines for approved safety helmets and shall maintain and
21 publish a list of approved safety helmets, which list need not
22 be inclusive.

23 EXPLANATION

24 This bill requires the operator and passenger on a
25 motorcycle or motorized bicycle to each wear a safety helmet
26 when the vehicle is operated on a highway. The bill further
27 prohibits a person from operating a motorcycle or motorized
28 bicycle on a highway if the operator or any passenger is not
29 wearing a safety helmet, and the bill prohibits a person from
30 being a passenger if the operator is not wearing a safety
31 helmet.

32 The safety helmet must be in compliance with federal
33 standards and must fit the person's head securely and be
34 fastened with helmet straps. The bill directs the department
35 of transportation to establish guidelines for motorcycle safety

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1 helmets and to maintain and publish a list of approved helmets.
2 Pursuant to current law, a violation of motorcycle or
3 motorized bicycle provisions is a simple misdemeanor punishable
4 by a scheduled fine of \$35.



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House File 471 - Introduced

HOUSE FILE 471
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 104)

A BILL FOR

1 An Act relating to the payment of reasonable attorney fees
2 in juvenile court or appellate proceedings relating to a
3 termination of parental rights petition.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 600A.6B, Code 2013, is amended to read
2 as follows:

3 **600A.6B Payment of attorney fees.**

4 1. A person filing a petition for termination of parental
5 rights under this chapter or the person on whose behalf the
6 petition is filed shall be responsible for the payment of
7 reasonable attorney fees for services provided by counsel
8 appointed pursuant to section 600A.6A in juvenile court or in
9 an appellate proceeding initiated by the person filing the
10 petition unless the person filing the petition is a private
11 child-placing agency as defined in section 238.1 or unless the
12 court determines that the person filing the petition or the
13 person on whose behalf the petition is filed is indigent.

14 2. If the person filing the petition is a private
15 child-placing agency as defined in section 238.1 or if the
16 person filing the petition or the person on whose behalf the
17 petition is filed is indigent, the appointed attorney shall be
18 paid reasonable attorney fees for services provided in juvenile
19 court or an appellate proceeding as determined by the state
20 public defender.

21 3. If the parent against whom the petition is filed appeals
22 a termination order under section 600A.9, subsection 1,
23 paragraph "b", the person who filed the petition or the person
24 on whose behalf the petition is filed shall not be responsible
25 for the payment of attorney fees for services provided by
26 counsel appointed pursuant to section 600A.6A in the appellate
27 proceeding. Instead, the appointed attorney shall be paid
28 reasonable attorney fees as determined by the state public
29 defender from the indigent defense fund established pursuant
30 to section 815.11.

31 ~~3.~~ 4. The state public defender shall review all the claims
32 submitted under this section and shall have the same authority
33 with regard to the payment of these claims as the state public
34 defender has with regard to claims submitted under chapters 13B
35 and 815, including the authority to adopt rules concerning the

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1 review and payment of claims submitted.

2 EXPLANATION

3 Under current law, in a termination of parental rights
4 proceeding, the person against whom the petition is filed has
5 the right to counsel in connection with all subsequent hearings
6 and proceedings. If that parent desires but is financially
7 unable to employ counsel, the court will appoint counsel if the
8 person requests appointment of counsel, the person is indigent,
9 and the court determines the person will have difficulty
10 presenting the person's version of the facts in dispute and
11 has a colorable defense to the termination of parental rights.
12 Under current law, unless the person filing the petition for
13 termination of parental rights or the person on whose behalf
14 the petition is filed is a child-placing agency or is indigent,
15 such person is responsible for payment of reasonable attorney
16 fees for appointed counsel.

17 This bill specifies that a person filing a petition for
18 termination of parental rights or the person on whose behalf
19 the petition is filed, shall be responsible for the payment
20 of reasonable attorney fees specifically for the services
21 provided by appointed counsel in a juvenile court or appellate
22 proceeding initiated by the person filing the petition, unless
23 the person filing the petition is a private child placing
24 agency or is indigent. The bill also specifies that in the
25 case of a child placing agency or a person who is indigent,
26 the appointed attorney shall be paid reasonable attorney
27 fees specifically for services provided in juvenile court or
28 appellate proceedings. The bill also specifies an exception
29 to payment of attorney fees for appointed counsel by a person
30 filing or on whose behalf the petition is filed. The bill
31 provides that if a termination of parental rights order is
32 granted, and a parent against whom the petition is filed
33 appeals, the person who filed the petition or the person on
34 whose behalf the petition is filed shall not be responsible for
35 the payment of attorney fees for services provided by appointed

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1 counsel in the appellate proceeding, but instead the appointed
2 attorney is to be paid reasonable attorney fees as determined
3 by the state public defender from the indigent defense fund.



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House File 472 - Introduced

HOUSE FILE 472
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 140)

A BILL FOR

1 An Act relating to school district funding by establishing
2 a supplementary weighting program for shared operational
3 functions of school districts and area education agencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 257.11, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6A. *Shared operational functions —*
4 *increased student opportunities — budget years beginning in 2014*
5 *through 2019.*
6 a. (1) In order to provide additional funding to increase
7 student opportunities and redirect more resources to student
8 programming for school districts that share operational
9 functions, a supplementary weighting of two hundredths per
10 pupil shall be assigned to pupils enrolled in a district that
11 shares with a political subdivision one or more operational
12 functions of a curriculum director, school administration
13 manager, mental health therapist, school counselor, or school
14 librarian, or one or more operational functions in the areas
15 of superintendent management, business management, human
16 resources, transportation, or operation and maintenance for
17 at least twenty percent of the school year. The additional
18 weighting shall be assigned for each discrete operational
19 function shared. The operational function sharing arrangement
20 does not need to be a newly implemented sharing arrangement
21 to receive supplementary weighting under this subsection.
22 However, to receive supplementary weighting under this
23 subsection for an ongoing operational function sharing
24 arrangement that began before July 1, 2014, the district
25 shall submit information to the department documenting the
26 cost savings directly attributable to the shared operational
27 functions and describe the district's consideration of
28 additional shared operational functions.
29 (2) For the purposes of this section, *"political*
30 *subdivision"* means a city, township, county, school corporation,
31 merged area, area education agency, institution governed by the
32 state board of regents, or any other governmental subdivision.
33 b. School districts that share operational functions with
34 other school districts are not required to be contiguous school
35 districts. If two or more districts sharing operational



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1 functions are not contiguous to each other, the districts
2 separating those districts are not required to be a party to
3 the operational functions sharing arrangement.

4 *c.* Supplementary weighting pursuant to this subsection
5 shall be available to a school district for a maximum of
6 five years during the period commencing with the budget year
7 beginning July 1, 2014, through the budget year beginning July
8 1, 2019. The minimum amount of additional weighting for which
9 a school district shall be eligible is an amount equivalent to
10 ten additional pupils, and the maximum amount of additional
11 weighting for which a school district shall be eligible is
12 an amount equivalent to forty additional pupils. Receipt of
13 supplementary weighting by a school district pursuant to this
14 subsection for more than one year shall be contingent upon
15 the annual submission of information by the district to the
16 department documenting cost savings directly attributable to
17 the shared operational functions. Criteria for determining
18 the number of years for which supplementary weighting shall
19 be received pursuant to this subsection, subject to the
20 five-year maximum, and for determining qualification of
21 operational functions for supplementary weighting shall be
22 determined by the department by rule, through consideration of
23 long-term savings by the school district or increased student
24 opportunities.

25 *d.* Supplementary weighting pursuant to this subsection
26 shall be available to an area education agency for a maximum
27 of five years during the period commencing with the budget
28 year beginning July 1, 2014, through the budget year beginning
29 July 1, 2019. The minimum amount of additional funding for
30 which an area education agency shall be eligible is fifty
31 thousand dollars, and the maximum amount of additional funding
32 for which an area education agency shall be eligible is two
33 hundred thousand dollars. The department of management shall
34 annually set a weighting for each area education agency to
35 generate the approved operational sharing expense using the

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1 area education agency's special education cost per pupil amount
2 and foundation level. Receipt of supplementary weighting
3 by an area education agency for more than one year shall be
4 contingent upon the annual submission of information by the
5 district to the department documenting cost savings directly
6 attributable to the shared operational functions. Criteria
7 for determining the number of years for which supplementary
8 weighting shall be received pursuant to this subsection,
9 subject to the five-year maximum, and the amount generated by
10 the supplementary weighting, and for determining qualification
11 of operational functions for supplementary weighting shall be
12 determined by the department by rule, through consideration of
13 long-term savings by the area education agency or increased
14 student opportunities.

15 e. This subsection is repealed effective July 1, 2020.

16 EXPLANATION

17 This bill enacts Code section 257.11, new subsection 6A, to
18 allow supplementary weighting for school districts and area
19 education agencies that share operational functions. The
20 bill is similar to the supplementary weighting provisions for
21 shared operational functions in current Code section 257.11,
22 subsection 6, which is repealed effective July 1, 2014. The
23 bill provides supplementary weighting of two hundredths per
24 pupil enrolled in a district that shares with a political
25 subdivision one or more operational functions. Under the bill,
26 eligible shared operational functions include the operational
27 functions of a curriculum director, school administration
28 manager, mental health therapist, school counselor, or school
29 librarian, or one or more operational functions in the areas
30 of superintendent management, business management, human
31 resources, transportation, or operation and maintenance. To
32 be eligible for the supplementary weighting, the operational
33 function must be shared for at least 20 percent of the school
34 year.

35 Under the bill, the operational functions sharing



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1 arrangement does not need to be a newly implemented sharing
2 arrangement to receive supplementary weighting. However, to
3 receive supplementary weighting under the bill for an ongoing
4 operational functions sharing arrangement that began before
5 July 1, 2014, the district must submit information to the
6 department of education documenting the cost savings directly
7 attributable to the shared operational functions and describe
8 the district's consideration of additional shared operational
9 functions.

10 The bill does not require school districts that share
11 operational functions with other school districts to be
12 contiguous school districts. In addition, if two or more
13 districts sharing operational functions are not contiguous to
14 each other, the districts separating those districts are not
15 required to be a party to the operational functions sharing
16 arrangement.

17 The supplementary weighting provided in the bill is
18 available to a school district for a maximum of five years
19 during the period commencing with the budget year beginning
20 July 1, 2014, through the budget year beginning July 1,
21 2019. The bill establishes a minimum amount and a maximum
22 amount of additional weighting for which a school district is
23 eligible. In order to receive the supplementary weighting for
24 more than one year, the school district must annually submit
25 information to the department documenting cost savings directly
26 attributable to the shared operational functions.

27 Under the bill, supplementary weighting is available to
28 an area education agency for a maximum of five years during
29 the period commencing with the budget year beginning July 1,
30 2014, through the budget year beginning July 1, 2019. The
31 bill establishes a minimum amount and a maximum amount of
32 additional weighting for which an area education agency is
33 eligible. In order to receive the supplementary weighting for
34 more than one year, the area education agency must annually
35 submit information to the department documenting cost savings

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1 directly attributable to the shared operational functions. The
2 bill requires the department of management to annually set
3 a weighting for each area education agency to generate the
4 approved operational sharing expense using the area education
5 agency's special education cost per pupil amount and foundation
6 level.

7 The bill provides that Code section 257.11, new subsection
8 6A, is repealed effective July 1, 2020.



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House File 473 - Introduced

HOUSE FILE 473
BY COMMITTEE ON ECONOMIC
GROWTH

(SUCCESSOR TO HSB 168)

A BILL FOR

1 An Act relating to the requirements and administration of the
2 targeted jobs withholding credit pilot project and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 403.19A, subsection 1, paragraphs c, e,
2 f, and g, Code 2013, are amended to read as follows:

3 c. "*Employer*" means a business creating or retaining
4 targeted jobs in ~~an urban renewal area of~~ a pilot project city
5 pursuant to a withholding agreement.

6 e. "*Qualifying investment*" means a capital investment
7 in real property including the purchase price of land and
8 existing buildings, site preparation, building construction,
9 and long-term lease costs. "*Qualifying investment*" also means a
10 capital investment in depreciable assets. For purposes of this
11 paragraph, "*long-term lease costs*" means those costs incurred or
12 expected to be incurred under a lease during the duration of a
13 withholding agreement.

14 f. "*Targeted job*" means a job in a business which is or
15 will be located in ~~an urban renewal area of~~ a pilot project
16 city that pays a wage at least equal to the countywide average
17 wage. "*Targeted job*" includes new or retained jobs from Iowa
18 business expansions or retentions within the city limits of the
19 pilot project city and those jobs resulting from established
20 out-of-state businesses, as defined by the economic development
21 authority, moving to or expanding in Iowa.

22 g. "*Withholding agreement*" means the agreement between a
23 pilot project city, the economic development authority, and
24 an employer concerning the targeted jobs withholding credit
25 authorized in subsection 3.

26 Sec. 2. Section 403.19A, subsection 1, Code 2013, is amended
27 by adding the following new paragraph:

28 NEW PARAGRAPH. Of. "*Retained job*" means a full-time
29 equivalent position in existence at the time an employer
30 applies to the authority for approval of a withholding
31 agreement and which remains continuously filled and which is
32 at risk of elimination if the project for which the employer
33 is seeking assistance under the withholding agreement does not
34 proceed.

35 Sec. 3. Section 403.19A, subsection 3, paragraphs a, b, c,

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1 and f, Code 2013, are amended to read as follows:

2 a. A pilot project city may provide by ~~ordinance~~ resolution
3 for the deposit into a designated ~~account in the special~~
4 withholding project fund described in section 403.19,
5 ~~subsection 2,~~ of the targeted jobs withholding credit described
6 in this section. The targeted jobs withholding credit shall
7 be based upon the wages paid to employees pursuant to a
8 withholding agreement.

9 b. An amount equal to three percent of the gross wages paid
10 by an employer to each employee under a withholding agreement
11 shall be credited from the payment made by the employer
12 pursuant to section 422.16. If the amount of the withholding
13 by the employer is less than three percent of the gross wages
14 paid to the employees covered by the withholding agreement,
15 the employer shall receive a credit against other withholding
16 taxes due by the employer or may carry the credit forward for
17 up to ten years or until depleted, whichever is the earlier.
18 The employer shall remit the amount of the credit quarterly,
19 in the same manner as withholding payments are reported to
20 the department of revenue, to the pilot project city to be
21 allocated to and when collected paid into a designated ~~account~~
22 in the special withholding project fund for the urban renewal
23 area in which the targeted jobs are located project. All
24 amounts so deposited shall be used or pledged by the pilot
25 project city for ~~an urban renewal~~ a project related to the
26 employer pursuant to the withholding agreement.

27 c. (1) The pilot project city and the economic development
28 authority shall enter into a withholding agreement with each
29 employer concerning the targeted jobs withholding credit. The
30 withholding agreement shall provide for the total amount of
31 withholding credits awarded, as negotiated by the economic
32 development authority, the pilot project city, and the
33 employer. An agreement shall not provide for an amount of
34 withholding credits that exceeds the amount of the qualifying
35 investment made in the project. An agreement shall not be



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1 entered into ~~by a pilot project city~~ with a business currently
2 located in this state unless the business either creates or
3 retains ten ~~new~~ jobs or makes a qualifying investment of at
4 least five hundred thousand dollars within the ~~urban renewal~~
5 area pilot project city. The withholding agreement may
6 have a term of years negotiated by the economic development
7 authority, the pilot project city, and the employer, of up
8 to ten years. A withholding agreement specifying a term of
9 years or a total amount of withholding credits shall terminate
10 upon the expiration of the term of years specified in the
11 agreement or upon the award of the total amount of withholding
12 credits specified in the agreement, whichever occurs first. An
13 employer shall not be obligated to enter into a withholding
14 agreement. An agreement shall not be entered into with an
15 employer not already located in a pilot project city when
16 another Iowa community is competing for the same project and
17 both the pilot project city and the other Iowa community are
18 seeking assistance from the authority.

19 (2) The pilot project city and the economic development
20 authority shall not enter into a withholding agreement after
21 June 30, ~~2013~~ 2018.

22 (3) The employer, in conjunction with the pilot project
23 city, shall provide on an annual basis to the economic
24 development authority information documenting the total
25 amount of payments and receipts under a withholding agreement,
26 including all agreements with an employer to suspend, abate,
27 exempt, rebate, refund, or reimburse property taxes, to provide
28 a grant for property taxes paid or a grant not related to
29 property taxes, or to make a direct payment of taxes, with
30 moneys in the ~~special~~ withholding project fund. The economic
31 development authority shall verify the information provided ~~by~~
32 ~~the pilot project city~~ and determine whether the pilot project
33 city and the employer are in compliance with this section and
34 the rules adopted by the economic development authority to
35 implement this section.



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1 (4) The economic development authority board, on behalf of
2 the authority, shall have the authority to approve or deny a
3 withholding agreement and according to the provisions of this
4 section. Each withholding agreement, and the total amount of
5 withholding credits allowed under the withholding agreement,
6 shall be approved by the economic development authority board
7 after taking into account the incentives or assistance received
8 by or to be received by the employer under other economic
9 development programs. The economic development authority
10 board shall only deny an agreement if the agreement fails to
11 meet the requirements of this paragraph "c" or the local match
12 requirements in paragraph "j", or if an employer is not in good
13 standing as to prior or existing agreements with the economic
14 development authority. The authority shall have the authority
15 to negotiate a withholding agreement and may suggest changes to
16 an any of the terms of the agreement.

17 f. If the economic development authority, following an
18 eighteen-month performance period beginning on the date the
19 withholding agreement is approved by the authority board,
20 determines that the employer ceases to meet the requirements
21 of the withholding agreement relating to retaining jobs, if
22 applicable, the agreement shall be terminated by the economic
23 development authority and the pilot project city and any
24 withholding credits for the benefit of the employer shall
25 cease. However, in regard to the number of jobs that are to
26 be created or retained, if the employer has met the number of
27 jobs to be created or retained pursuant to the withholding
28 agreement and subsequently the number of jobs falls below the
29 required level, the employer shall not be considered as not
30 meeting the job requirement until eighteen months after the
31 date of the decrease in the number of jobs created or retained.
32 If the economic development authority, following a three-year
33 performance period beginning on the date the withholding
34 agreement is approved by the authority board, determines
35 that the employer has not or is incapable of meeting the



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1 requirements of the withholding agreement relating to creating
2 jobs, if applicable, or the requirement of the withholding
3 agreement relating to the qualifying investment prior to the
4 end of the withholding agreement, the economic development
5 authority may reduce the future benefits to the employer under
6 the agreement or negotiate with the other parties to terminate
7 the agreement early. Notice shall be provided promptly by
8 the pilot project city to the department of revenue following
9 termination of a withholding agreement.

10 Sec. 4. Section 403.19A, subsection 3, paragraph d,
11 subparagraph (1), Code 2013, is amended to read as follows:

12 (1) A copy of the adopted local development agreement
13 ~~plan of~~ between the pilot project city and the employer
14 that outlines local incentives or assistance for the project
15 using urban renewal or urban revitalization incentives, if
16 applicable.

17 Sec. 5. Section 403.19A, subsection 3, Code 2013, is amended
18 by adding the following new paragraph:

19 **NEW PARAGRAPH.** *Of.* Pursuant to rules adopted by the
20 economic development authority, the pilot project city
21 shall provide on an annual basis to the economic development
22 authority information documenting the compliance of each
23 employer with each requirement of the withholding agreement,
24 including but not limited to the number of jobs created or
25 retained and the amount of investment made by the employer.
26 The economic development authority shall, in response to
27 receiving such information from the pilot project city, assess
28 the level of compliance by each employer and provide to the
29 pilot project city recommendations for either maintaining
30 employer compliance with the withholding agreement or
31 terminating the agreement for noncompliance under paragraph
32 "f". The economic development authority shall also provide each
33 such assessment and recommendation report to the department of
34 revenue.

35 Sec. 6. **APPLICABILITY.**



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1 1. Except as provided in subsection 2, this Act applies to
2 withholding agreements entered into on or after the effective
3 date of this Act and withholding agreements entered into by
4 a pilot project city prior to the effective date of this Act
5 shall be governed by section 403.19A, Code 2013.

6 2. The section of this Act enacting section 403.19A,
7 subsection 3, paragraph "Of", applies to withholding agreements
8 entered into prior to the effective date of this Act or entered
9 into on or after the effective date of this Act.

10 EXPLANATION

11 This bill modifies the targeted jobs withholding tax credit
12 program, which is a pilot program enacted in 2006 to allow
13 the diversion of withholding funds paid by an employer to be
14 matched by a designated pilot project city to create economic
15 incentives that can be directed toward businesses located
16 within urban renewal areas in the city pursuant to the terms of
17 a withholding agreement with a business and after approval of
18 the agreement by the Iowa economic development authority.

19 The bill removes the requirement that an employer that is a
20 party to a withholding agreement with a pilot project city be
21 located in an urban renewal area. The bill removes a similar
22 requirement relating to the definition of targeted job. The
23 bill makes corresponding changes to Code section 403.19A to
24 reflect the removal of the urban renewal area requirement,
25 including providing that the targeted jobs withholding credits
26 be deposited in a withholding project fund rather than the
27 special fund established for urban renewal purposes.

28 The bill allows a pilot project city to provide for the
29 deposit of the amount of the targeted jobs withholding credit
30 into the city's withholding project fund by resolution, rather
31 than by ordinance.

32 The bill provides a definition of long-term lease costs as
33 part of the definition of qualifying investment under the pilot
34 program and provides a definition of retained job.

35 Under current law, a pilot project city may not enter into a

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1 withholding agreement after June 30, 2013. The bill adds the
2 economic development authority to the list of required parties
3 to a withholding agreement and prohibits a pilot project city
4 and the economic development authority from entering into a
5 withholding agreement after June 30, 2018. The bill specifies
6 subject areas of a withholding agreement that may be negotiated
7 by the parties and provides that a withholding agreement that
8 specifies a term of years or a total amount of withholding
9 credits shall terminate upon expiration of the term of years
10 or upon the award of the total amount of withholding credits,
11 whichever occurs first.

12 The bill requires the reporting of certain withholding
13 agreement payment and receipt information by the employer,
14 in conjunction with the pilot project city, and requires the
15 economic development authority to verify such information and
16 determine whether the pilot project city and the employer are
17 in compliance with Code section 403.19A and rules adopted to
18 implement that Code section.

19 The bill provides that the economic development authority
20 board approves or denies a withholding agreement on behalf of
21 the authority and specifies considerations to be made by the
22 board in deciding whether to approve or deny a withholding
23 agreement.

24 The bill establishes an 18-month performance period
25 following which the economic development authority determines
26 compliance with the job retention requirements of the
27 withholding agreement, if applicable, establishes a three-year
28 performance period following which the authority determines
29 compliance with the job creation and investment requirements
30 of the withholding agreement, and specifies the actions to
31 be taken by the authority and the pilot project city after a
32 determination of noncompliance.

33 Except as otherwise provided in the bill, the bill applies
34 to withholding agreements entered into by a pilot project city
35 on or after the effective date of the bill. The bill provides

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1 that withholding agreements entered into by a pilot project
2 city prior to the effective date of the bill shall be governed
3 by Code section 403.19A, Code 2013. However, the section of
4 the bill enacting Code section 403.19A(3)(Of), relating to
5 compliance reporting, applies to withholding agreements entered
6 into prior to, on, or after the effective date of the bill.



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House Joint Resolution 12 - Introduced

HOUSE JOINT RESOLUTION 12
BY ALONS, LANDON, HEARTSILL,
SALMON, KOESTER, and
PETTENGILL

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa to specify that the right to life is
3 the paramount and most fundamental right of every person,
4 and that personhood applies to all human beings from the
5 beginning of their biological development.
6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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pf/rj



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H.J.R. 12

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Section 1 of Article I of the Constitution of the State of
4 Iowa, as amended by amendment number 1 of the Amendments of
5 1998, is amended to read as follows:

6 **Rights of persons. SECTION 1.**

7 1. All men and women are, by nature, free and equal, and
8 have certain inalienable rights — among which are those of
9 enjoying and defending life and liberty, acquiring, possessing
10 and protecting property, and pursuing and obtaining safety and
11 happiness.

12 2. The right to life is the paramount and most fundamental
13 right of every person.

14 3. With respect to the fundamental and inalienable rights
15 of all persons guaranteed in this constitution, the word
16 "person" applies to all human beings, irrespective of age,
17 health, function, physical or mental dependency, or method of
18 reproduction, whether in vivo or in vitro, from the beginning
19 of their biological development, including the single-cell
20 human zygote.

21 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
22 amendment to the Constitution of the State of Iowa is referred
23 to the general assembly to be chosen at the next general
24 election for members of the general assembly, and the secretary
25 of state is directed to cause the proposed amendment to be
26 published for three consecutive months previous to the date of
27 that election as provided by law.

28 EXPLANATION

29 This joint resolution proposes an amendment to the
30 Constitution of the State of Iowa specifying that the
31 right to life is the paramount and most fundamental right
32 of every person, and that with respect to the fundamental
33 and inalienable rights of all persons guaranteed in the
34 constitution, the word "person" applies to all human beings,
35 irrespective of age, health, function, physical or mental

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pf/rj

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H.J.R. 12

1 dependency, or method of reproduction, whether in vivo or in
2 vitro, from the beginning of their biological development,
3 including the single-cell human zygote.

4 The resolution, if adopted, would be referred to the next
5 general assembly for adoption, before being submitted to the
6 electorate for ratification.



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House Resolution 25 - Introduced

HOUSE RESOLUTION NO. 25

BY M. SMITH, MURPHY, L. MILLER, THEDE, HANUSA,
BRANDENBURG, MOORE, KAUFMANN, R. TAYLOR, LANDON,
JORGENSEN, WINCKLER, HUNTER, ISENHART, FORBES,
PRICHARD, LENSING, JACOBY, BERRY, T. OLSON,
R. OLSON, GAINES, STUTSMAN, BEARINGER, and KEARNS

1 A Resolution to honor the cities of Bettendorf, Council
2 Bluffs, Davenport, Dubuque, and Marshalltown for
3 their efforts to improve education.

4 WHEREAS, the All-America Cities awards are given
5 annually by the National Civic League (NCL) to
6 recognize outstanding examples of community problem
7 solving, civic engagement, and collaboration between
8 the public, profit, and nonprofit sectors; and

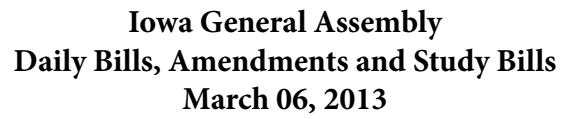
9 WHEREAS, in 2012 the award had a special focus —
10 applicants were asked to develop comprehensive plans
11 to bridge the reading gap between at-risk students and
12 other learners; and

13 WHEREAS, in 2012 the NCL named 14 communities
14 All-America Cities which were recognized for their
15 ambitious plans to ensure that more children are
16 proficient readers by the end of third grade; and

17 WHEREAS, those cities so honored include Bettendorf,
18 Davenport, Dubuque, and Marshalltown; and

19 WHEREAS, the Campaign for Grade-Level Reading
20 has named Council Bluffs as a Community Solutions
21 Pacesetter for addressing the challenges that keep
22 many low-income students from learning to read; NOW
23 THEREFORE,

24 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,



1 That the House of Representatives honors the efforts
2 of Bettendorf, Council Bluffs, Davenport, Dubuque,
3 and Marshalltown to improve reading proficiency, and
4 congratulates these five cities for their national
5 recognition.



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House Study Bill 212 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON VANDER LINDEN)

A BILL FOR

- 1 An Act eliminating the requirement for the racing and gaming
- 2 commission to conduct a socioeconomic study on the impact of
- 3 gambling.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2498YC (1) 85
ec/rj



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1 Section 1. Section 99F.4, subsection 24, Code 2013, is
2 amended by striking the subsection.

3 EXPLANATION

4 This bill eliminates the requirement that the racing and
5 gaming commission conduct a socioeconomic study on the impact
6 of gambling on Iowans every eight years.



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House Study Bill 213 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON EDUCATION BILL BY
CHAIRPERSON JORGENSEN)

A BILL FOR

1 An Act relating to education of students in residential
2 placement settings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2503YC (2) 85
je/rj



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1 Section 1. EDUCATION OF STUDENTS IN RESIDENTIAL
2 SETTINGS. It is the intent of the general assembly to
3 enact legislation relating to the education of students in
4 residential placement settings.

5 EXPLANATION

6 This bill specifies that it is the intent of the general
7 assembly to enact legislation relating to the education of
8 students in residential placement settings.



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House Study Bill 214 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON
TRANSPORTATION,
INFRASTRUCTURE, AND
CAPITALS)

(SUCCESSOR TO LSB 1007JA)

A BILL FOR

1 An Act relating to transportation and other
2 infrastructure-related appropriations to the department of
3 transportation, including allocation and use of moneys from
4 the road use tax fund and the primary road fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1007JB (3) 85
dea/tm



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S.F. _____ H.F. _____

1 Section 1. ROAD USE TAX FUND. There is appropriated
2 from the road use tax fund created in section 312.1 to the
3 department of transportation for the fiscal year beginning July
4 1, 2013, and ending June 30, 2014, the following amounts, or
5 so much thereof as is necessary, to be used for the purposes
6 designated:
7 1. For the payment of costs associated with the production
8 of driver's licenses, as defined in section 321.1, subsection
9 20A:
10 \$ 3,876,000
11 Notwithstanding section 8.33, moneys appropriated in this
12 subsection that remain unencumbered or unobligated at the close
13 of the fiscal year shall not revert but shall remain available
14 for expenditure for the purposes specified in this subsection
15 until the close of the succeeding fiscal year.
16 2. For salaries, support, maintenance, and miscellaneous
17 purposes:
18 a. Operations:
19 \$ 6,384,960
20 b. Planning:
21 \$ 414,000
22 c. Motor vehicles:
23 \$ 33,921,000
24 d. Performance and technology:
25 \$ 460,040
26 3. For payments to the department of administrative
27 services for utility services:
28 \$ 215,000
29 4. Unemployment compensation:
30 \$ 7,000
31 5. For payments to the department of administrative
32 services for paying workers' compensation claims under chapter
33 85 on behalf of employees of the department of transportation:
34 \$ 114,000
35 6. For payment to the general fund of the state for indirect

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dea/tm

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1 cost recoveries:
2 \$ 78,000
3 7. For reimbursement to the auditor of state for audit
4 expenses as provided in section 11.5B:
5 \$ 67,319
6 8. For automation, telecommunications, and related costs
7 associated with the county issuance of driver's licenses and
8 vehicle registrations and titles:
9 \$ 1,406,000
10 9. For transfer to the department of public safety for
11 operating a system providing toll-free telephone road and
12 weather conditions information:
13 \$ 100,000
14 10. For costs associated with the participation in the
15 Mississippi river parkway commission:
16 \$ 40,000
17 11. For motor vehicle division field facility maintenance
18 projects at various locations:
19 \$ 200,000
20 12. For scale replacement projects at various locations:
21 \$ 280,000
22 For purposes of section 8.33, unless specifically provided
23 otherwise, moneys appropriated in subsections 11 and 12 that
24 remain unencumbered or unobligated shall not revert but shall
25 remain available for expenditure for the purposes designated
26 until the close of the fiscal year that ends three years after
27 the end of the fiscal year for which the appropriation was
28 made. However, if the projects for which the appropriation
29 was made are completed in an earlier fiscal year, unencumbered
30 or unobligated moneys shall revert at the close of that same
31 fiscal year.
32 Sec. 2. PRIMARY ROAD FUND. There is appropriated from the
33 primary road fund created in section 313.3 to the department of
34 transportation for the fiscal year beginning July 1, 2013, and
35 ending June 30, 2014, the following amounts, or so much thereof



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1 as is necessary, to be used for the purposes designated:
2 1. For salaries, support, maintenance, miscellaneous
3 purposes, and for not more than the following full-time
4 equivalent positions:
5 a. Operations:
6 \$ 39,225,906
7 FTEs 266.00
8 b. Planning:
9 \$ 7,865,454
10 FTEs 102.00
11 c. Highways:
12 \$232,031,295
13 FTEs 2,057.00
14 d. Motor vehicles:
15 \$ 1,413,540
16 FTEs 410.00
17 e. Performance and technology:
18 \$ 2,825,960
19 FTEs 35.00
20 2. For payments to the department of administrative
21 services for utility services:
22 \$ 1,321,000
23 3. Unemployment compensation:
24 \$ 138,000
25 4. For payments to the department of administrative
26 services for paying workers' compensation claims under
27 chapter 85 on behalf of the employees of the department of
28 transportation:
29 \$ 2,743,000
30 5. For disposal of hazardous wastes from field locations and
31 the central complex:
32 \$ 800,000
33 6. For payment to the general fund of the state for indirect
34 cost recoveries:
35 \$ 572,000



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1 7. For reimbursement to the auditor of state for audit
2 expenses as provided in section 11.5B:
3 \$ 415,181
4 8. For costs associated with producing transportation maps:
5 \$ 160,000
6 9. For inventory and equipment replacement:
7 \$ 5,366,000
8 10. For utility improvements at various locations:
9 \$ 400,000
10 11. For roofing projects at various locations:
11 \$ 500,000
12 12. For heating, cooling, and exhaust system improvements
13 at various locations:
14 \$ 500,000
15 13. For deferred maintenance projects at field facilities
16 throughout the state:
17 \$ 1,500,000
18 14. For wastewater treatment improvements at various
19 locations:
20 \$ 1,000,000
21 15. For replacement of the Mason City combined facility:
22 \$ 6,500,000
23 For purposes of section 8.33, unless specifically provided
24 otherwise, moneys appropriated in subsections 10 through 15
25 that remain unencumbered or unobligated shall not revert
26 but shall remain available for expenditure for the purposes
27 designated until the close of the fiscal year that ends
28 three years after the end of the fiscal year for which the
29 appropriation was made. However, if the project or projects
30 for which such appropriation was made are completed in an
31 earlier fiscal year, unencumbered or unobligated moneys shall
32 revert at the close of that same fiscal year.

33 EXPLANATION

34 This bill makes and limits appropriations for FY 2013-2014
35 from the road use tax fund and the primary road fund to the

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1 department of transportation.

2 Appropriations from the road use tax fund include
3 appropriations for driver's license production costs,
4 operations, planning, motor vehicles, performance and
5 technology, utility services provided by the department
6 of administrative services, unemployment and workers'
7 compensation, indirect cost recoveries, audits, county issuance
8 of driver's licenses and vehicle registration and titling, a
9 system providing toll-free telephone road and weather reports,
10 participation in the Mississippi river parkway commission,
11 motor vehicle division field facility maintenance projects, and
12 scale replacement projects.

13 Appropriations from the primary road fund include
14 appropriations for operations, planning, highways, motor
15 vehicles, performance and technology, utility services provided
16 by the department of administrative services, unemployment
17 and workers' compensation, hazardous waste disposal, indirect
18 cost recoveries, audits, production of transportation maps,
19 inventory and equipment replacement, utility projects,
20 roofing projects, heating and cooling improvements, deferred
21 maintenance at field facilities, wastewater treatment
22 improvements, and replacement of the Mason City combined
23 facility.



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House Study Bill 215 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act concerning mechanic's liens and the mechanics' notice
2 and lien registry.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2505YC (5) 85
rh/nh



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1 Section 1. Section 572.8, subsection 1, paragraph e, Code
2 2013, is amended to read as follows:

3 e. The ~~tax~~ parcel identification number required by law to
4 be assigned to the property for real estate tax administration
5 purposes.

6 Sec. 2. Section 572.13A, subsection 1, unnumbered paragraph
7 1, Code 2013, is amended to read as follows:

8 A general contractor, or owner-builder who has contracted or
9 will contract with a subcontractor to provide labor or furnish
10 material for the property, shall post a notice of commencement
11 of work to the mechanics' notice and lien registry internet
12 website ~~within~~ no later than ten days ~~of~~ after commencement
13 of work on the property. A notice of commencement of work is
14 effective only as to any labor, service, equipment, or material
15 furnished to the property subsequent to the posting of the
16 notice of commencement of work. A notice of commencement of
17 work shall include all of the following information:

18 Sec. 3. Section 572.13A, subsection 1, paragraph f, Code
19 2013, is amended to read as follows:

20 f. The ~~tax~~ parcel identification number required by law to
21 be assigned to the property for real estate tax administration
22 purposes.

23 Sec. 4. Section 572.13B, subsection 1, paragraph i, Code
24 2013, is amended to read as follows:

25 i. The ~~tax~~ parcel identification number required by law to
26 be assigned to the property for real estate tax administration
27 purposes.

28 Sec. 5. Section 572.22, subsection 6, Code 2013, is amended
29 to read as follows:

30 6. The ~~tax~~ parcel identification number ~~of the property to~~
31 ~~be charged~~ required by law to be assigned to the property for
32 real estate tax administration purposes.

33 Sec. 6. Section 572.23, Code 2013, is amended to read as
34 follows:

35 **572.23 Acknowledgment of satisfaction of claim.**



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1 1. When a mechanic's lien is satisfied by payment of the
2 claim, the claimant shall ~~acknowledge~~ post to the mechanics'
3 notice and lien registry an acknowledgment of satisfaction
4 ~~thereof of claim~~ and, if the claimant neglects to do so for
5 thirty days after demand in writing is personally served upon
6 the claimant, the claimant shall forfeit and pay twenty-five
7 dollars to the owner, general contractor, or owner-builder and
8 be liable to any person injured to the extent of the injury.

9 2. If ~~satisfaction is not acknowledged~~ an acknowledgment of
10 satisfaction of claim is not posted to the mechanics' notice
11 and lien registry within thirty days after service of the
12 demand in writing, the party serving the demand or causing the
13 demand to be served may ~~file for record with the administrator~~
14 post to the mechanics' notice and lien registry a copy of
15 the demand with proofs of service attached and endorsed and,
16 in case of service by publication, a personal affidavit that
17 personal service could not be made within this state. Upon
18 completion of the requirements of this subsection, the ~~record~~
19 posting shall be constructive notice to all parties of the
20 due forfeiture and cancellation of the lien. Upon the ~~filing~~
21 posting of the demand with the required attachments, the
22 administrator shall mail a date-stamped copy of the demand to
23 both parties.

24 Sec. 7. NEW SECTION. 572.23A Partial satisfaction of money
25 debt after posting notice.

26 1. A general contractor or subcontractor shall post an
27 acknowledgment of partial satisfaction of a money debt to the
28 mechanics' notice and lien registry for material, labor, and
29 equipment furnished by the general contractor or subcontractor.

30 2. If an acknowledgment of partial satisfaction pursuant
31 to subsection 1 is not posted to the mechanic's notice and
32 lien registry within thirty days after receipt of written
33 demand from the owner, general contractor, or owner-builder,
34 the owner, general contractor, or owner-builder may post an
35 acknowledgment of partial satisfaction of the money debt and a

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1 copy of the written demand to the mechanics' notice and lien
2 registry.

3 3. This section applies in situations where the required
4 notices pursuant to sections 572.13A and 572.13B have been
5 posted to the mechanics' notice and lien registry but a
6 mechanic's lien has not been posted.

7 Sec. 8. Section 572.34, subsections 3, 7, 8, and 9, Code
8 2013, are amended to read as follows:

9 3. a. The administrator shall index the legal descriptions
10 of the properties for which notices and liens are posted to
11 the registry. For the purpose of performing a search of the
12 registry the legal description shall be the controlling index
13 category.

14 b. The registry shall be indexed by owner name, general
15 contractor name, mechanics' notice and lien registry number,
16 property address, legal description, tax parcel identification
17 number required by law to be assigned to the property for real
18 estate tax administration purposes, and any other identifier
19 considered appropriate as determined by the administrator
20 pursuant to rule.

21 7. Notices ~~may~~ shall be posted to the mechanics' notice and
22 lien registry electronically on the administrator's internet
23 website, ~~or may be sent to the administrator for posting~~
24 ~~by United States mail or facsimile transmission, or other~~
25 ~~alternate method as provided by the administrator pursuant to~~
26 ~~rule. Notices received by United States mail or facsimile~~
27 ~~transmission shall be posted by the administrator to the~~
28 ~~mechanics' notice and lien registry within three business days~~
29 ~~of receipt.~~

30 8. Mechanics' liens ~~may~~ shall be posted to the mechanics'
31 notice and lien registry electronically on the administrator's
32 internet website ~~or may be sent to the administrator for~~
33 ~~posting by United States mail. Liens received by United States~~
34 ~~mail shall be posted by the administrator to the mechanics'~~
35 ~~notice and lien registry within three business days of receipt.~~

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1 9. ~~The administrator shall send a receipt acknowledging a~~
2 ~~notice or lien submitted by United States mail or facsimile~~
3 ~~transmission, as provided by the administrator by rule. The~~
4 posting of a notice or a lien to the mechanics' notice and lien
5 registry internet website pursuant to this chapter, along with
6 the tender of the requisite filing fees and the sending of an
7 acknowledgment receipt by the administrator, is equivalent to a
8 filing and recording of the appropriate notice or lien in the
9 county in which the real estate is located.

10	EXPLANATION
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11 This bill concerns mechanic's liens and the mechanics'
12 notice and lien registry.

13 The bill amends provisions relating to certain property
14 information required for precommencement and preliminary
15 notices.

16 The bill provides that when a mechanic's lien is satisfied
17 by payment of the claim, the claimant must acknowledge
18 satisfaction by posting an acknowledgment of the satisfaction
19 to the registry. If such an acknowledgment is not posted to
20 the registry within 30 days after service of the demand in
21 writing, the party serving the demand may post a copy of the
22 demand to the registry.

23 The bill provides that a general contractor or subcontractor
24 shall post an acknowledgment of partial satisfaction of a money
25 debt to the mechanics' notice and lien registry for material,
26 labor, and equipment furnished by the general contractor or
27 subcontractor. If an acknowledgment of partial satisfaction
28 is not posted to the registry within 30 days after receipt
29 of written demand from the owner, general contractor, or
30 owner-builder, the owner, general contractor, or owner-builder
31 may post an acknowledgment of partial satisfaction of the money
32 debt and a copy of the written demand to the mechanics' notice
33 and lien registry. This provision applies in situations where
34 the required notices pursuant to Code sections 572.13A and
35 572.13B have been posted to the mechanics' notice and lien

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1 registry but a mechanic's lien has not been posted.

2 The bill requires the administrator to index the legal
3 descriptions of the properties for which notices and liens are
4 posted to the registry.

5 The bill provides that precommencement and preliminary
6 notices and mechanic's liens shall be posted to the mechanics'
7 notice and lien registry electronically on the administrator's
8 internet website.

9 The bill provides that the posting of a notice or a lien
10 to the mechanics' notice and lien registry internet website
11 along with the requisite filing fees and the sending of an
12 acknowledgment receipt by the administrator is equivalent to a
13 filing and recording of the appropriate notice or lien in the
14 county in which the real estate is located.



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House Study Bill 216 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KOESTER)

A BILL FOR

1 An Act allowing the office of citizens' aide and the Iowa
2 public information board access to the minutes and audio
3 recording of a closed session in the performance of their
4 duties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2124HC (4) 85
rh/rj



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H.F. _____

1 Section 1. Section 21.5, subsection 4, Code 2013, is amended
2 to read as follows:

3 4. a. A governmental body shall keep detailed minutes of
4 all discussion, persons present, and action occurring at a
5 closed session, and shall also audio record all of the closed
6 session.

7 b. The detailed minutes and audio recording of a closed
8 session shall be sealed and shall not be public records open
9 to public inspection. However, upon order of the court in
10 an action to enforce this chapter, the detailed minutes and
11 audio recording shall be unsealed and examined by the court
12 in camera. The court shall then determine what part, if
13 any, of the minutes should be disclosed to the party seeking
14 enforcement of this chapter for use in that enforcement
15 proceeding. In determining whether any portion of the
16 minutes or recording shall be disclosed to such a party for
17 this purpose, the court shall weigh the prejudicial effects
18 to the public interest of the disclosure of any portion of
19 the minutes or recording in question, against its probative
20 value as evidence in an enforcement proceeding. After such
21 a determination, the court may permit inspection and use of
22 all or portions of the detailed minutes and audio recording by
23 the party seeking enforcement of this chapter. A governmental
24 body shall keep the detailed minutes and audio recording of any
25 closed session for a period of at least one year from the date
26 of that meeting, except as otherwise required by law. This
27 paragraph does not require the office of citizens' aide or the
28 Iowa public information board to obtain a court order for the
29 purpose of inspecting the detailed minutes and audio record of
30 a closed session in the performance of their duties or under
31 chapter 2C.

32 EXPLANATION

33 Under current law, meetings of a governmental body under
34 Iowa's open meetings law (Code chapter 21) shall be preceded
35 by public notice and shall be held in open session. A

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1 governmental body may hold a closed session under certain
2 circumstances and the minutes and audio recording of a closed
3 session are not accessible to the public unless the person
4 seeking access to the records files an action in court.
5 This bill provides that the office of citizens' aide and
6 the Iowa public information board are not required to obtain
7 a court order to inspect the minutes and audio recording of a
8 closed session in the performance of their duties under Code
9 chapter 2C.



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House Study Bill 217 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act exempting persons or entities owning, controlling,
2 operating, or managing alternate energy production
3 facilities or combined heat and power systems under
4 specified circumstances from public utility regulations.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1619YC (1) 85
rn/nh



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H.F. _____

1 Section 1. Section 476.1, subsection 5, Code 2013, is
2 amended to read as follows:
3 5. a. This chapter does not apply to waterworks having
4 less than two thousand customers, municipally owned waterworks,
5 joint water utilities established pursuant to chapter 389,
6 rural water districts incorporated and organized pursuant
7 to chapters 357A and 504, cooperative water associations
8 incorporated and organized pursuant to chapter 499, or to
9 a person furnishing electricity to five or fewer customers
10 either by secondary line or from an alternate energy production
11 facility or small hydro facility, from electricity that is
12 produced primarily for the person's own use.
13 b. This chapter additionally does not apply to a person or
14 entity who owns, controls, operates, or manages an alternate
15 energy production facility or combined heat and power system
16 that is located on a customer's property and who provides or
17 sells the electricity or heat generated from the alternate
18 energy production facility or combined heat and power system
19 to a public utility or to the customer on whose property the
20 facility or system is located. For purposes of this paragraph,
21 a customer's property shall include all contiguous property
22 owned or leased by the customer without regard to interruptions
23 in contiguity caused by easements, public thoroughfares,
24 transportation rights-of-way, or utility rights-of-way.

25 EXPLANATION

26 This bill provides that a person or entity who owns,
27 controls, operates, or manages an alternate energy production
28 facility or combined heat and power system located on a
29 customer's property who provides or sells the electricity
30 or heat generated from the facility or system to a public
31 utility or to the customer is exempt from regulation as a
32 public utility under Code chapter 476. The bill provides that
33 a customer's property shall include all contiguous property
34 owned or leased by the customer without regard to interruptions
35 in contiguity caused by easements, public thoroughfares,

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1 transportation rights-of-way, or utility rights-of-way.



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House Study Bill 218 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to consumer lawsuit lending transactions, and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2494YC (2) 85
rn/sc



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1 Section 1. Section 537.1301, subsection 27, paragraph a,
2 Code 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (6) (a) The provision of a cash advance
4 or funds to a consumer in exchange for that consumer assigning,
5 conveying, or otherwise conferring to the person or entity
6 advancing the cash advance or funds the right to receive
7 the proceeds, or a part of the proceeds, of the settlement,
8 insurance payment, or award of damages obtained in either of
9 the following:

10 (i) A consumer's civil action, or statutory or regulatory
11 claim, for which damages may be awarded to the consumer or
12 claiming party.

13 (ii) A cause of action or legal claim upon which a civil
14 action or statutory claim described in subparagraph subdivision
15 (i) may be based, regardless of whether the right to receive
16 the proceeds is nonrecourse.

17 (b) For purposes of this subparagraph, "*nonrecourse*"
18 means the consumer or the consumer's members, partners, or
19 shareholders, if any, or any related person to a member,
20 partner, or shareholder, does not bear the risk of financial
21 loss to the person or entity advancing a cash advance or funds.

22 Sec. 2. Section 537.1301, subsection 27, paragraph b, Code
23 2013, is amended by adding the following new subparagraph:

24 NEW SUBPARAGRAPH. (3) Providing professional legal
25 services or the advancement of litigation expenses by
26 an attorney licensed to practice law in this state to an
27 individual on a contingency basis.

28 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill expands the definition of a "loan" for purposes
32 of Code chapter 537, the consumer credit code, to include
33 providing a cash advance or funds to a consumer in exchange for
34 that consumer assigning, conveying, or otherwise conferring to
35 the person or entity advancing the cash advance or funds the

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1 right to receive the proceeds, or a part of the proceeds, of
2 the settlement, insurance payment, or award of damages obtained
3 under specified circumstances. Those circumstances include a
4 consumer's civil action, or statutory or regulatory claim, for
5 which damages may be awarded to the consumer or claiming party,
6 or a cause of action or legal claim upon which a civil action
7 or statutory or regulatory claim may be based, regardless of
8 whether the right to receive the proceeds pursuant to the
9 cause of action or legal claim is nonrecourse. The bill
10 defines "nonrecourse" to mean that the consumer or its members,
11 partners, or shareholders, if any, or any related person to
12 a member, partner, or shareholder, does not bear the risk of
13 financial loss to the person or entity advancing a cash advance
14 or funds.

15 Additionally, the bill provides that providing professional
16 legal services or the advancement of litigation expenses by an
17 attorney licensed to practice law in Iowa to an individual on a
18 contingency basis shall not be considered a "loan" for purposes
19 of Code chapter 537.

20 The bill takes effect upon enactment.



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Senate File 337 - Introduced

SENATE FILE 337
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 216)

A BILL FOR

1 An Act providing for training on suicide prevention and
2 trauma-informed care for school personnel.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2081SV (2) 85
je/sc



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S.F. 337

1 Section 1. Section 256.9, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 63. In coordination with the department
4 of public health and stakeholders, including but not limited
5 to mental health professionals, school administrators, school
6 nurses, and guidance counselors, select qualified programs for
7 the training of school personnel on suicide prevention and
8 trauma-informed care as required by section 272.2, subsection
9 19.

10 Sec. 2. Section 272.2, Code 2013, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 19. Adopt rules requiring individuals
13 applying for renewal of a license, certificate, authorization,
14 or statement of recognition issued by the board who provide a
15 service to students to undergo training on suicide prevention
16 and trauma-informed care prior to each renewal. For purposes
17 of this subsection, "*trauma-informed care*" means services
18 that are based on an understanding of the vulnerabilities
19 and triggers of individuals who have experienced trauma,
20 recognize the role trauma has played in the lives of those
21 individuals, recognize the presence of trauma symptoms and
22 their onset, are supportive of trauma recovery, and avoid
23 further traumatization.

24 EXPLANATION

25 This bill requires the board of educational examiners
26 to adopt rules requiring individuals applying for renewal
27 of a license, certificate, authorization, or statement
28 of recognition issued by the board who provide a service
29 to students to undergo training on suicide prevention and
30 trauma-informed care prior to each renewal. The requirement
31 applies each time an individual seeks renewal.

32 The bill requires the director of the department of
33 education, in coordination with the department of public
34 health and stakeholders, including but not limited to mental
35 health professionals, school administrators, school nurses,

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1 and guidance counselors, to select qualified programs for the
2 training required by the bill.



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Senate File 338 - Introduced

SENATE FILE 338
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 48)

A BILL FOR

1 An Act requiring background checks for school employees.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1539SV (3) 85
je/nh



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S.F. 338

1 Section 1. NEW SECTION. 279.69 School employees —
2 background investigations.

3 1. Prior to hiring an applicant for a school employee
4 position, a school district shall have access to and shall
5 review the information in the Iowa court information system
6 available to the general public, the sex offender registry
7 information under section 692A.121 available to the general
8 public, the central registry for child abuse information
9 established under section 235A.14, and the central registry for
10 dependent adult abuse information established under section
11 235B.5 for information regarding the applicant. A school
12 district shall follow the same procedure by June 30, 2014, for
13 each school employee employed by the school district as of
14 July 1, 2013. A school district shall also follow the same
15 procedure every five years upon the anniversary of each school
16 employee's year of hire. A school district shall not charge
17 an employee for the cost of the registry checks conducted
18 pursuant to this subsection. A school district shall maintain
19 documentation demonstrating compliance with this subsection.

20 2. Being listed in the sex offender registry established
21 under chapter 692A, the central registry for child abuse
22 information established under section 235A.14, or the central
23 registry for dependent adult abuse information established
24 under section 235B.5 shall constitute grounds for the immediate
25 suspension from duties of a school employee, pending a
26 termination hearing by the board of directors of a school
27 district. A termination hearing conducted pursuant to this
28 subsection shall be limited to the question of whether the
29 school employee was incorrectly listed in the registry.

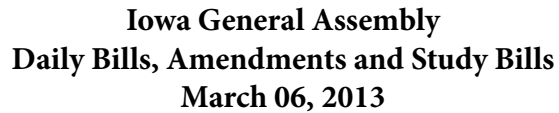
30 3. For purposes of this section, "school employee" means
31 an individual employed by a school district, including a
32 part-time, substitute, or contract employee. "School employee"
33 does not include an individual subject to a background
34 investigation pursuant to section 272.2, subsection 17, section
35 279.13, subsection 1, paragraph "b", or section 321.375,

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1 subsection 2.

13

27 The bill establishes listing on the state sex offender
28 registry, the state central registry for child abuse
29 information, or the state central registry for dependent adult
30 abuse information as grounds for which a school employee is to
31 be immediately suspended, pending a termination hearing by the
32 board of directors of a school district. The bill specifies
33 that such a termination hearing is to be limited to the
34 question of whether a school employee was incorrectly listed in
35 one of the registries.

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1 The bill defines "school employee" as an individual employed
2 by a school district, including a part-time, substitute, or
3 contract employee. The bill provides that "school employee"
4 does not include an individual subject to a background
5 information check pursuant to Code section 272.2, subsection
6 17, Code section 279.13, subsection 1, paragraph "b", or Code
7 section 321.375, subsection 2.

8 The bill may include a state mandate as defined in Code
9 section 25B.3. The bill requires that the state cost of
10 any state mandate included in the bill be paid by a school
11 district from state school foundation aid received by the
12 school district under Code section 257.16. The specification
13 is deemed to constitute state compliance with any state mandate
14 funding-related requirements of Code section 25B.2. The
15 inclusion of this specification is intended to reinstate the
16 requirement of political subdivisions to comply with any state
17 mandates included in the bill.



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Senate File 339 - Introduced

SENATE FILE 339
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1205)

A BILL FOR

1 An Act relating to inspections of school buses and certain
2 other vehicles used to transport children and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1029SV (3) 85
je/sc



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S.F. 339

1 Section 1. Section 285.8, subsection 4, Code 2013, is
2 amended to read as follows:
3 4. a. Inspect or cause to be inspected all vehicles used
4 as school buses to transport school children and all vehicles
5 otherwise regularly used to transport children to determine
6 if such vehicles meet all legal and established standards
7 of construction and can be operated with safety, comfort,
8 and economy. When it is determined that further use of such
9 vehicles is dangerous to the ~~pupils~~ children transported and to
10 the safety and welfare of the traveling public, the department
11 of education shall order such vehicle to be withdrawn from
12 further use on a specified date no later than thirty days
13 following such determination. School buses and vehicles
14 otherwise regularly used to transport children which do not
15 conform to the requirements of the department of education may
16 be issued a temporary certificate of operation provided that
17 such ~~school buses~~ vehicles can be operated with safety, and
18 provided further that no such certificate shall be issued for a
19 period in excess of ~~one year~~ thirty days. All equipment can be
20 required to be altered, or safety equipment added, in order to
21 make vehicles reasonably safe for operation. A vehicle which
22 does not pass an inspection shall be subject to a subsequent
23 inspection within not more than thirty days. A vehicle which
24 does not pass a subsequent inspection shall be removed from
25 service until such time as the vehicle passes an inspection.
26 New buses and vehicles otherwise regularly used to transport
27 children, after initial inspection and approval, shall be
28 issued a seal of inspection. After each annual inspection a
29 seal of inspection and approval shall be issued. ~~Said~~ The
30 seals shall be mounted on the lower right hand corner of the
31 windshield.
32 b. The state board of education shall adopt rules for
33 required, uniform inspections of vehicles otherwise regularly
34 used to transport children. Such rules shall allow for
35 inspections to be conducted by qualified private automobile

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1 mechanics or the department of education.

2 *c. For purposes of this subsection, "vehicle otherwise*
3 *regularly used to transport children" means the same as defined*
4 *in section 321.1, subsection 91A.*

5 Sec. 2. Section 321.1, Code 2013, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 91A. *"Vehicle otherwise regularly used*
8 *to transport children" means every vehicle operated for the*
9 *transportation of children, except for the following:*

10 *a. School buses.*

11 *b. Vehicles privately owned and not operated for*
12 *compensation.*

13 *c. Vehicles used exclusively to transport children in the*
14 *immediate family of the driver.*

15 *d. Vehicles used to provide transportation service available*
16 *to the general public, whether or not for compensation.*

17 *e. Authorized emergency vehicles.*

18 *f. Vehicles incidentally used to transport children.*

19 Sec. 3. Section 321.373, subsection 1, Code 2013, is amended
20 to read as follows:

21 1. Every school bus except private passenger vehicles
22 used as school buses and every vehicle otherwise regularly
23 used to transport children shall be constructed and equipped
24 to meet safety standards prescribed in rules adopted by the
25 state board of education. Such rules shall conform to safety
26 standards set forth in federal laws and regulations and shall
27 conform, insofar as practicable, to the minimum standards
28 for school buses recommended by the national conference on
29 school transportation administered by the national commission
30 on safety education and published by the national education
31 association.

32 Sec. 4. Section 321.374, Code 2013, is amended to read as
33 follows:

34 **321.374 Inspection — seal of approval.**

35 ~~No~~ A vehicle shall not be put into service as a school

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1 bus or as a vehicle otherwise regularly used to transport
2 children until it is given an original inspection to determine
3 if it meets all legal and established uniform standards of
4 construction for the protection of the health and safety of
5 children to be transported. Vehicles which are approved shall
6 be issued a seal of approval by the director of the department
7 of education. All vehicles used as school buses or vehicles
8 otherwise regularly used to transport children shall be given a
9 safety inspection at least once a year. Buses Vehicles passing
10 the inspection shall be issued an inspection seal of approval
11 by the director of the department of education. The seal of
12 original inspection and the annual seal of inspection shall be
13 affixed to the lower right hand corner of the windshield. A
14 vehicle which does not pass the inspection shall be subject to
15 a subsequent inspection within not more than thirty days. A
16 vehicle which does not pass a subsequent inspection shall be
17 removed from service until such time as the vehicle passes an
18 inspection.

19 Sec. 5. Section 321.379, Code 2013, is amended to read as
20 follows:

21 **321.379 Violations.**

22 A school board, individual, or organization shall not
23 purchase, construct, or contract for use, to transport ~~pupils~~
24 ~~to or from school~~ children, any school bus or vehicle otherwise
25 regularly used to transport children which does not comply with
26 the minimum requirements of section 321.373 and any individual,
27 or any member or officer of such board or organization who
28 authorizes, the purchase, construction, or contract for any
29 such ~~bus~~ vehicle not complying with these minimum requirements
30 commits a simple misdemeanor.

31 Sec. 6. Section 331.653, subsection 32, Code 2013, is
32 amended to read as follows:

33 32. Enforce sections 321.372 to 321.379 relating to school
34 buses and vehicles otherwise regularly used to transport
35 children.

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1 Sec. 7. STATE MANDATE FUNDING SPECIFIED. In accordance
2 with section 25B.2, subsection 3, the state cost of requiring
3 compliance with any state mandate included in this Act shall
4 be paid by a school district from state school foundation aid
5 received by the school district under section 257.16. This
6 specification of the payment of the state cost shall be deemed
7 to meet all of the state funding-related requirements of
8 section 25B.2, subsection 3, and no additional state funding
9 shall be necessary for the full implementation of this Act
10 by and enforcement of this Act against all affected school
11 districts.

12 EXPLANATION

13 Under current law, school buses cannot be put into service
14 until they have been inspected by the department of education.
15 School buses are also required to undergo annual inspections.
16 This bill provides that a school bus which does not pass an
17 inspection is subject to a subsequent inspection within not
18 more than 30 days. The bill requires a school bus which does
19 not pass such a subsequent inspection to be removed from
20 service until such time as the school bus passes an inspection.
21 The bill limits the time within which a school bus determined
22 to be dangerous to the children transported and to the safety
23 and welfare of the traveling public must be withdrawn from
24 use to no more than 30 days after the determination is made.
25 The bill reduces from one year to 30 days the duration of a
26 temporary certificate of operation issued to a school bus that
27 does not conform to department of education requirements.
28 The bill applies these inspection requirements to vehicles
29 otherwise regularly used to transport children. The bill
30 provides that vehicles otherwise regularly used to transport
31 children do not include school buses; vehicles privately owned
32 and not operated for compensation; vehicles used exclusively
33 to transport children in the immediate family of the driver;
34 vehicles used to provide transportation service available to
35 the general public, whether or not for compensation; authorized

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1 emergency vehicles; or vehicles incidentally used to transport
2 children.

3 The bill provides that vehicles otherwise regularly used
4 to transport children must conform to minimum vehicle safety
5 inspection standards as far as practicable and as set out by
6 the state board of education by rule. The bill requires the
7 board to adopt rules for required, uniform inspections of
8 vehicles otherwise regularly used to transport children, which
9 allow for such inspections to be conducted by qualified private
10 automobile mechanics or the department of education.

11 Current law provides that a school board, individual, or
12 organization must not purchase, construct, or contract for
13 use of a school bus that does not comply with minimum state
14 standards. Current law provides that any person who authorizes
15 such an action is guilty of a simple misdemeanor. The bill
16 adds vehicles otherwise regularly used to transport children
17 to those requirements. A simple misdemeanor is punishable by
18 confinement for no more than 30 days or a fine of at least \$65
19 but not more than \$625 or by both.

20 The bill may include a state mandate as defined in Code
21 section 25B.3. The bill requires that the state cost of
22 any state mandate included in the bill be paid by a school
23 district from state school foundation aid received by the
24 school district under Code section 257.16. The specification
25 is deemed to constitute state compliance with any state mandate
26 funding-related requirements of Code section 25B.2. The
27 inclusion of this specification is intended to reinstate the
28 requirement of political subdivisions to comply with any state
29 mandates included in the bill.



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Senate File 340 - Introduced

SENATE FILE 340
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 172)

A BILL FOR

1 An Act relating to the length of on-duty periods and required
2 rest periods for drivers of rail crew transport vehicles,
3 and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1989SV (2) 85
dea/nh



Iowa General Assembly
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S.F. 340

1 Section 1. NEW SECTION. 321.449A Rail crew transport
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is
4 designed to transport seven or more persons but fewer than
5 sixteen persons including the driver and is used to transport
6 railroad workers to or from their places of employment or
7 during the course of their employment is subject to the
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period
12 after having been on duty for fifteen hours following eight
13 consecutive hours of uninterrupted rest.

14 c. The driver shall not accept a call for service from the
15 driver's employer during a period of uninterrupted rest.

16 2. For purposes of this section, the following definitions
17 apply:

18 a. "Employer" means a railroad worker transportation
19 company, as defined in section 327F.39, for whom the driver
20 performs a service, either for wages or as an independent
21 contractor.

22 b. "On duty" means all time from the time a driver begins
23 work or is required to be ready to work until the time the
24 driver is relieved from work and all responsibility for
25 performing work, whether or not the driver is compensated for
26 all of the time. A driver may drive more than one assigned
27 trip, as long as the trip falls within the on-duty period. A
28 driver "begins work" when the driver enters a transport vehicle
29 to begin a trip assignment and is not "relieved from work" until
30 the driver has exited the transport vehicle for the final time.

31 c. "Uninterrupted rest" means that the employer shall not
32 communicate with the driver by telephone, pager, or in any
33 other manner that could reasonably be expected to disrupt the
34 driver's rest.

35 3. A person who violates this section commits a simple

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1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 13, paragraph "b".

3 Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *0c.* "Driver" means a person who operates
6 a motor vehicle for the transportation of railroad workers in
7 the motor vehicle on behalf of a railroad worker transportation
8 company, whether the person is employed by the company for
9 wages or drives for the company as an independent contractor.

10 NEW PARAGRAPH. *0g.* "Railroad worker transportation
11 company" means a person, other than a railroad corporation,
12 organized for the purpose of or engaged in the business of
13 transporting, for hire, railroad workers to or from their
14 places of employment or in the course of their employment in
15 motor vehicles designed to carry seven or more persons but
16 fewer than sixteen persons including the driver.

17 Sec. 3. Section 327F.39, Code 2013, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. *Rest periods for drivers.*

20 *a.* A railroad worker transportation company shall not
21 require a driver to operate a motor vehicle in violation of
22 section 321.449A. A railroad worker transportation company
23 may require a period of uninterrupted rest for a driver at any
24 time. The period of uninterrupted rest shall not be less than
25 eight hours. A railroad worker transportation company shall
26 clearly communicate to a driver when a period of uninterrupted
27 rest is to begin.

28 *b.* A railroad company shall not require a driver to operate
29 a motor vehicle in violation of section 321.449A or this
30 subsection.

31 *c.* For purposes of this subsection, "uninterrupted rest" and
32 "on duty" mean the same as defined in section 321.449A.

33 Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended
34 to read as follows:

35 6. *Penalty.*

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1 a. Violation by the owner of a motor vehicle of this
2 section, a rule adopted under this section, or an order issued
3 under subsection 5, or willful failure to comply with such an
4 order is, upon conviction, subject to a schedule "one" penalty
5 as provided under section 327C.5.

6 b. A violation of subsection 4A or rules adopted pursuant to
7 subsection 4A by a railroad worker transportation company or a
8 railroad corporation is punishable as a schedule "one" penalty
9 under section 327C.5.

10 Sec. 5. Section 805.8A, subsection 13, paragraph b, Code
11 2013, is amended to read as follows:

12 b. For a violation under section 321.449, or 321.449A, the
13 scheduled fine is fifty dollars.

14 EXPLANATION

15 This bill provides that a person who drives a motor vehicle
16 transporting railroad workers is subject to hours-of-service
17 restrictions similar to those that apply to commercial vehicle
18 operators.

19 The bill prohibits a driver from driving a motor vehicle
20 for hire, which is designed to transport seven or more persons
21 but fewer than 16 persons including the driver and which is
22 used to transport railroad workers to or from their places
23 of employment or during the course of their employment,
24 for more than 10 hours following eight consecutive hours of
25 uninterrupted rest; prohibits driving such a motor vehicle
26 for any period after having been on duty for 15 hours
27 following eight consecutive hours of uninterrupted rest; and
28 prohibits accepting a call for service during a period of
29 uninterrupted rest. The bill provides a detailed definition
30 of "on duty", which includes all time for which the driver is
31 or is not compensated from the time a driver begins work or
32 is required to be ready to work until the time the driver is
33 relieved from work and all responsibility for performing work.
34 "Uninterrupted rest" means the employer shall not communicate
35 with the driver in any manner that could reasonably be expected

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1 to disrupt the driver's rest.

2 A driver who violates the hours-of-service restrictions
3 commits a simple misdemeanor punishable by a scheduled fine
4 of \$50. This is the same penalty that currently applies for
5 hours-of-service violations by commercial vehicle operators.

6 The bill prohibits a railroad worker transportation company
7 from requiring a driver to operate a motor vehicle in violation
8 of the hours of service requirements established under the
9 bill. A railroad worker transportation company may require a
10 period of uninterrupted rest at any time. The minimum period
11 of uninterrupted rest shall be eight hours. The company is
12 required to clearly communicate to a driver when a period of
13 uninterrupted rest is to begin.

14 The bill provides that a violation of the provisions of the
15 bill by a railroad worker transportation company or a railroad
16 corporation is a schedule "one" penalty, subject to a fine of
17 \$100 under current law applicable to railroads.



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Senate File 341 - Introduced

SENATE FILE 341
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1087)

A BILL FOR

1 An Act modifying provisions applicable to the propane education
2 and research council.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1907SV (2) 85
rn/nh



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S.F. 341

1 Section 1. Section 101C.3, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. A professional fire fighter designated by the Iowa
4 ~~association of professional fire chiefs~~ fire fighters
5 association.

6 Sec. 2. Section 101C.3, subsection 5, Code 2013, is amended
7 to read as follows:

8 5. A council member shall serve a term of three years
9 ~~and shall not serve more than two full consecutive terms. A~~
10 ~~council member filling an unexpired term may serve not more~~
11 ~~than a total of seven consecutive years. A former council~~
12 ~~member may be appointed to the council if the former member has~~
13 ~~not been a member of the council for a period of at least two~~
14 ~~years.~~

15 Sec. 3. Section 101C.4, subsection 1, Code 2013, is amended
16 to read as follows:

17 1. The council and its activities shall be funded by an
18 annual assessment. Upon establishment of the council ~~and each~~
19 ~~year thereafter~~ the annual assessment shall be made at a rate
20 of one-tenth of one cent on each gallon of odorized propane
21 sold. Thereafter, annual assessments shall be sufficient to
22 cover the costs of the plans and programs developed by the
23 council and upon a majority vote by the council, the council
24 may increase or decrease the annual assessment as necessary,
25 but in no event shall the annual assessment exceed two-tenths
26 of one cent on each gallon of odorized propane sold.

27 Sec. 4. REPEAL. Section 101C.14, Code 2013, is repealed.

28 EXPLANATION

29 This bill modifies provisions applicable to the propane
30 education and research council established in Code chapter
31 101C.

32 The bill changes the designation of one of the ex officio,
33 nonvoting members of the council from a professional fire
34 fighter designated by the Iowa association of professional fire
35 chiefs to a professional fire fighter designated by the Iowa

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1 professional fire fighters association.
2 The bill also eliminates provisions specifying term limits
3 and reappointment requirements.
4 The bill additionally modifies provisions relating to the
5 annual assessment which funds the council and its activities.
6 Currently, Code section 101C.4, subsection 1, provides that
7 upon establishment of the council and each year thereafter the
8 annual assessment shall be made at a rate of one-tenth of one
9 cent on each gallon of odorized propane sold. The bill deletes
10 the reference to "and each year thereafter", and provides that
11 after establishment of the council and the initial rate of
12 one-tenth of one cent, annual assessments shall thereafter be
13 in an amount sufficient to cover the costs of the plans and
14 programs developed by the council, and that upon a majority
15 vote by the council, the council may increase or decrease the
16 annual assessment as necessary, but not to exceed two-tenths of
17 one cent on each gallon of odorized propane sold.
18 Additionally, the bill repeals a provision which repealed
19 the Code chapter effective December 31, 2014.



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Senate File 342 - Introduced

SENATE FILE 342
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1037)

A BILL FOR

1 An Act relating to donations and charitable contributions in a
2 criminal proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1161SV (1) 85
jm/rj



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S.F. 342

1 Section 1. NEW SECTION. 901.11 Donations — prohibited.

2 A monetary or property donation to any agency, organization,
3 or political subdivision of the state is prohibited as a part
4 of any deferred prosecution, dismissal, sentence, or other
5 penalty.

6 Sec. 2. Section 907.13, subsection 2, Code 2013, is amended
7 to read as follows:

8 2. The defendant's plan of community service, the comments
9 of the defendant's probation officer, and the comments of
10 the representative of the judicial district department of
11 correctional services responsible for the unpaid community
12 service program, shall be submitted promptly to the court.
13 The court shall promptly enter an order approving the plan or
14 modifying it. Compliance with the plan of community service
15 as approved or modified by the court shall be a condition of
16 the defendant's probation. The court thereafter may modify the
17 plan at any time upon the defendant's request, upon the request
18 of the judicial district department of correctional services,
19 or upon the court's own motion. ~~As an option for modification~~
20 ~~of a plan, the court may allow a defendant to complete some~~
21 ~~part or all of the defendant's community service obligation~~
22 ~~through the donation of property to a charitable organization~~
23 ~~other than a governmental subdivision. A donation of property~~
24 ~~to a charitable organization offered in satisfaction of some~~
25 ~~part or all of a community service obligation under this~~
26 ~~subsection is not a deductible contribution for the purposes of~~
27 ~~federal or state income taxes.~~

28 Sec. 3. Section 910.1, subsection 2, Code 2013, is amended
29 by striking the subsection.

30 Sec. 4. Section 910.1, subsection 4, Code 2013, is amended
31 to read as follows:

32 4. "Restitution" means payment of pecuniary damages to
33 a victim in an amount and in the manner provided by the
34 offender's plan of restitution. "Restitution" also includes
35 fines, penalties, and surcharges, ~~the contribution of funds to~~

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1 ~~a local anticrime organization which provided assistance to law~~
2 ~~enforcement in an offender's case,~~ the payment of crime victim
3 compensation program reimbursements, payment of restitution
4 to public agencies pursuant to section 321J.2, subsection
5 13, paragraph "b", court costs including correctional fees
6 approved pursuant to section 356.7, court-appointed attorney
7 fees ordered pursuant to section 815.9, including the expense
8 of a public defender, and the performance of a public service
9 by an offender in an amount set by the court when the offender
10 cannot reasonably pay all or part of the court costs including
11 correctional fees approved pursuant to section 356.7, or
12 court-appointed attorney fees ordered pursuant to section
13 815.9, including the expense of a public defender, and payment
14 to the medical assistance program pursuant to chapter 249A for
15 expenditures paid on behalf of the victim resulting from the
16 offender's criminal activities including investigative costs
17 incurred by the Medicaid fraud control unit pursuant to section
18 249A.7.

19 Sec. 5. Section 910.2, Code 2013, is amended to read as
20 follows:

21 **910.2 Restitution or community service to be ordered by**
22 **sentencing court.**

23 1. In all criminal cases in which there is a plea of
24 guilty, verdict of guilty, or special verdict upon which a
25 judgment of conviction is rendered, the sentencing court
26 shall order that restitution be made by each offender to the
27 victims of the offender's criminal activities, to the clerk
28 of court for fines, penalties, surcharges, and, to the extent
29 that the offender is reasonably able to pay, for crime victim
30 assistance reimbursement, restitution to public agencies
31 pursuant to section 321J.2, subsection 13, paragraph "b",
32 court costs including correctional fees approved pursuant
33 to section 356.7, court-appointed attorney fees ordered
34 pursuant to section 815.9, including the expense of a public
35 defender, when applicable, ~~contribution to a local anticrime~~

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1 ~~organization~~, or restitution to the medical assistance program
2 pursuant to chapter 249A. However, victims shall be paid in
3 full before fines, penalties, and surcharges, crime victim
4 compensation program reimbursement, public agencies, court
5 costs including correctional fees approved pursuant to section
6 356.7, court-appointed attorney fees ordered pursuant to
7 section 815.9, including the expenses of a public defender,
8 ~~contributions to a local anticrime organization~~, or the
9 medical assistance program are paid. In structuring a plan
10 of restitution, the court shall provide for payments in the
11 following order of priority: victim, fines, penalties, and
12 surcharges, crime victim compensation program reimbursement,
13 public agencies, court costs including correctional fees
14 approved pursuant to section 356.7, court-appointed attorney
15 fees ordered pursuant to section 815.9, including the expense
16 of a public defender, ~~contribution to a local anticrime~~
17 ~~organization~~, and the medical assistance program.

18 2. When the offender is not reasonably able to pay all or a
19 part of the crime victim compensation program reimbursement,
20 public agency restitution, court costs including correctional
21 fees approved pursuant to section 356.7, court-appointed
22 attorney fees ordered pursuant to section 815.9, including the
23 expense of a public defender, ~~contribution to a local anticrime~~
24 ~~organization~~, or medical assistance program restitution, the
25 court may require the offender in lieu of that portion of
26 the crime victim compensation program reimbursement, public
27 agency restitution, court costs including correctional fees
28 approved pursuant to section 356.7, court-appointed attorney
29 fees ordered pursuant to section 815.9, including the expense
30 of a public defender, ~~contribution to a local anticrime~~
31 ~~organization~~, or medical assistance program restitution for
32 which the offender is not reasonably able to pay, to perform
33 a needed public service for a governmental agency or for a
34 private nonprofit agency which provides a service to the youth,
35 elderly, or poor of the community. When community service is

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1 ordered, the court shall set a specific number of hours of
2 service to be performed by the offender which, for payment
3 of court-appointed attorney fees ordered pursuant to section
4 815.9, including the expenses of a public defender, shall be
5 approximately equivalent in value to those costs. The judicial
6 district department of correctional services shall provide for
7 the assignment of the offender to a public agency or private
8 nonprofit agency to perform the required service.

9 Sec. 6. Section 915.100, subsection 2, paragraph e, Code
10 2013, is amended to read as follows:

11 e. Victims shall be paid in full pursuant to an order
12 of restitution, before fines, penalties, surcharges, crime
13 victim compensation program reimbursement, public agency
14 reimbursement, court costs, correctional fees, court-appointed
15 attorney fees, or expenses of a public defender, ~~or~~
16 ~~contributions to local anticrime organizations are paid.~~

17 EXPLANATION

18 This bill relates to donations made in a criminal
19 proceeding. The bill prohibits any donation to an agency,
20 organization, or political subdivision of the state as part
21 of any deferred prosecution, dismissal, sentence, or other
22 penalty. The bill eliminates a provision allowing a criminal
23 defendant to make a donation to a charitable organization in
24 lieu of performing community service. The bill also eliminates
25 provisions allowing a contribution by a criminal defendant
26 to a local anticrime organization as part of the offender's
27 restitution plan.



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Senate File 343 - Introduced

SENATE FILE 343
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 213)

A BILL FOR

1 An Act authorizing tribal governments to establish a force of
2 reserve peace officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1967SV (1) 85
ec/nh



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1 Section 1. Section 80D.1, Code 2013, is amended to read as
2 follows:

3 **80D.1 Establishment of a force of reserve peace officers.**

4 1. The governing body of a city, a county, the state
5 of Iowa, or a judicial district department of correctional
6 services may provide, either separately or collectively through
7 a chapter 28E agreement, for the establishment of a force of
8 reserve peace officers, and may limit the size of the reserve
9 force. In the case of the state, the department of public
10 safety shall act as the governing body.

11 2. The governing body of a tribal government may provide for
12 the establishment of a force of reserve peace officers and may
13 limit the size of the reserve force.

14 3. This chapter constitutes the only procedure for
15 appointing reserve peace officers.

16 Sec. 2. NEW SECTION. **80D.6A Status of reserve peace**
17 **officers of a tribal government.**

18 Reserve peace officers of a tribal government shall serve as
19 peace officers on the orders and at the discretion of the chief
20 of the police force of the tribal government. While in the
21 actual performance of official duties, reserve peace officers
22 of a tribal government shall be vested with the same rights,
23 privileges, obligations, and duties as any other peace officers
24 of the tribal government.

25 Sec. 3. Section 80D.12, Code 2013, is amended to read as
26 follows:

27 **80D.12 Benefits when injured.**

28 1. Hospital and medical assistance and benefits as provided
29 in chapter 85 shall be provided by the governing body to
30 members of the reserve force who sustain injury in the course
31 of performing official duties.

32 2. For reserve police officers of a tribal government,
33 hospital and medical assistance and benefits shall be provided
34 by the tribal government to members of the reserve force who
35 sustain injury while performing official duties in the same

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ec/nh

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1 manner as for a regular peace officer of the tribal government.

2 Sec. 4. Section 85.61, subsection 8, Code 2013, is amended
3 to read as follows:

4 8. The words "*reserve peace officer*" shall mean a person
5 defined as such by section 80D.1, subsection 1, who is not a
6 full-time member of a paid law enforcement agency. A person
7 performing such services shall not be classified as a casual
8 employee.

9 EXPLANATION

10 This bill authorizes a tribal government to establish a
11 force of reserve peace officers.

12 The bill authorizes the governing body of a tribal
13 government to establish a force of reserve peace officers and
14 to limit the size of the force.

15 New Code section 80D.6A provides that reserve peace officers
16 of a tribal government shall serve as peace officers at the
17 discretion of the chief of the police force for the tribal
18 government and shall be vested with the same authority as any
19 other peace officer of the tribal government while in the
20 performance of their duties.

21 Code section 80D.12, concerning medical benefits for reserve
22 peace officers, is amended to provide that reserve peace
23 officers of a tribal government shall be provided medical
24 benefits for injuries while performing their duties in the same
25 manner as for regular peace officers of the tribal government.

26 Code section 85.61 is amended to provide that a reserve peace
27 officer for purposes of workers' compensation does not include
28 a reserve peace officer of a tribal government.



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Senate File 344 - Introduced

SENATE FILE 344
BY ZAUN

A BILL FOR

1 An Act relating to the grounds for termination of parental
2 rights.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2266XS (4) 85
pf/nh



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1 Section 1. Section 600A.8, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11. *a.* The parent is palpably unfit to
4 be a party to the parent-child relationship as determined by a
5 consistent pattern of specific conduct or specific conditions
6 directly relating to the parent-child relationship which are
7 determined by the court to be of a duration or nature that
8 renders the parent unable, for the reasonably foreseeable
9 future, to provide the appropriate care and support for the
10 ongoing physical, mental, or emotional needs of the child.
11 *b.* In making a determination that a parent is palpably
12 unfit, the court may consider any specific conduct or specific
13 conditions directly relating to the parent-child relationship
14 that the court deems significant in rendering the parent
15 unable to provide the appropriate care and support for the
16 ongoing physical, mental, or emotional needs of the child.
17 Such conduct or conditions may include but are not limited to
18 the parent's history relating to a substance-related disorder
19 as defined in section 125.2 that results in the parent being
20 a danger to self or others as evidenced by prior acts; the
21 parent's history of domestic abuse assault pursuant to section
22 708.2A; the parent's history of imprisonment for a felony
23 offense including any crime against a child; or the parent's
24 current imprisonment from which the parent is unlikely to be
25 released in five years or less.

26 EXPLANATION

27 This bill provides an additional ground for termination of
28 parental rights. The bill provides that under Code chapter
29 600A, the court may order the termination of parental rights if
30 the court finds the parent to be palpably unfit as determined
31 by a consistent pattern of specific conduct or specific
32 conditions directly relating to the parent-child relationship
33 which are determined by the court to be of a duration or nature
34 that renders the parent unable, for the reasonably foreseeable
35 future, to provide the appropriate care and support for the

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1 ongoing physical, mental, or emotional needs of the child. The
2 bill provides that in making a determination that a parent is
3 palpably unfit, the court may consider any specific conduct
4 or specific conditions directly relating to the parent-child
5 relationship that the court deems significant in rendering the
6 parent unable to provide the appropriate care and support for
7 the ongoing physical, mental, or emotional needs of the child.
8 Such conduct or conditions may include but are not limited to
9 the parent's history relating to a substance-related disorder
10 as defined in Code section 125.2 that results in the parent
11 being a danger to self or others as evidenced by prior acts;
12 the parent's history of domestic abuse assault pursuant to
13 Code section 708.2A; the parent's history of imprisonment for
14 a felony offense including any crime against a child; or the
15 parent's current imprisonment from which the parent is unlikely
16 to be released in five years or less.



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Senate File 345 - Introduced

SENATE FILE 345
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1193)

A BILL FOR

1 An Act relating to right to cure provisions applicable to a
2 closed credit card account.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2186SV (1) 85
rn/sc



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S.F. 345

1 Section 1. Section 537.5110, subsection 4, paragraph c,
2 Code 2013, is amended to read as follows:

3 c. Until the expiration of the minimum applicable period
4 after the notice is given, the consumer may cure the default by
5 tendering either the amount of all unpaid installments due at
6 the time of the tender, without acceleration, plus any unpaid
7 delinquency or deferral charges, or the amount stated in the
8 notice of right to cure, whichever is less, or by tendering any
9 performance necessary to cure any default other than nonpayment
10 of amounts due, which is described in the notice of right to
11 cure. The act of curing a default restores to the consumer
12 the consumer's rights under the agreement as though no default
13 had occurred, except as provided in subsection 3. However,
14 where the obligation in default is a credit card account that
15 has been closed, the act of curing a default does not restore
16 to the consumer the consumer's rights under the agreement as
17 though no default had occurred.

18 Sec. 2. Section 537.5111, Code 2013, is amended by adding
19 the following new subsection:

20 NEW SUBSECTION. 4A. If the consumer credit transaction is
21 a credit card account that has been closed, the notice shall
22 conform to the requirements of subsection 2, and a notice in
23 substantially the form specified in that subsection complies
24 with this subsection except that the statement relating to
25 continuation of the contract upon correction of the default as
26 though the consumer did not default shall not be contained in
27 the notice.

28 EXPLANATION

29 This bill relates to right to cure provisions applicable to a
30 credit card account that has been closed.

31 The bill states that provisions applicable to restoring
32 a consumer's rights under an agreement after a default is
33 cured as though no default had occurred do not apply to
34 situations where the account in question is a closed credit
35 card account. Similarly, the bill also states, with reference

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1 to the notice of right to cure sample form contained in Code
2 section 537.5111, that a notice substantially complying with
3 the form suffices for closed credit card accounts, except that
4 a statement contained in the form relating to continuation
5 of the contract upon correction of the default as though the
6 consumer did not default shall not be contained in the notice.



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Senate File 346 - Introduced

SENATE FILE 346
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 227)

A BILL FOR

1 An Act establishing an emergency medical services task force.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2431SV (2) 85
ad/nh



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S.F. 346

1 Section 1. EMERGENCY MEDICAL SERVICES TASK FORCE AND
2 REPORT.

3 1. The department of public health shall establish a task
4 force to ensure the future availability of quality emergency
5 medical services for the state.

6 2. The members of the task force shall be appointed by the
7 director of the department of public health, or the director's
8 designee, as follows:

9 a. A manager of a rural volunteer emergency medical
10 transport service.

11 b. A manager of a rural paid emergency medical transport
12 service.

13 c. A manager of an urban emergency medical transport
14 service.

15 d. A manager of a nontransport emergency medical service.

16 e. A representative of a fire department-based emergency
17 medical service.

18 f. A representative of a hospital-based emergency medical
19 service.

20 g. A representative of a private, for-profit emergency
21 medical transport service.

22 h. A representative of a not-for-profit emergency medical
23 transport service.

24 i. A representative of the Iowa emergency medical services
25 association board of directors.

26 j. A representative of an emergency medical services
27 training agency.

28 k. An urban emergency department physician.

29 l. A rural emergency department physician.

30 m. A representative of the Iowa emergency nurses
31 association.

32 n. A representative of the Iowa alliance in home care.

33 o. A representative of an emergency medical service air
34 ambulance.

35 p. A representative of the Iowa hospital association.

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1 q. A representative of the private insurance industry.
2 r. A representative of the Iowa Medicaid enterprise
3 division of the department of human services.
4 s. A representative of city government.
5 t. A representative of county government.
6 u. A representative of the nursing facility industry.
7 v. A representative of the Iowa behavioral health
8 association.
9 w. A consumer of emergency medical services.
10 3. The task force shall discuss the current state of
11 emergency medical services in Iowa and make recommendations for
12 enhancement of Iowa's emergency medical services system. The
13 recommendations shall address issues facing volunteer and paid
14 rural emergency medical services, cost projections including
15 administration costs for all recommendations, the Medicaid
16 reimbursement fee schedule for ambulance services, and the
17 nature and scope of any recommended changes in regulations
18 governing emergency medical services.
19 4. The task force shall, by April 30, 2014, submit a
20 report of its findings and recommendations to the governor,
21 the general assembly, the department of public health, and the
22 emergency medical services advisory council. The emergency
23 medical services advisory council shall review the report and
24 make recommendations related to implementation of the report's
25 recommendations to the director of the department of public
26 health.

27 EXPLANATION

28 This bill establishes an emergency medical services
29 task force to ensure the future availability of quality
30 emergency medical services for the state. The director of
31 the department of public health, or the director's designee,
32 must appoint the members of the task force as provided in the
33 bill. The bill requires the task force to discuss the current
34 state of emergency medical services in the state and make
35 recommendations to enhance Iowa's emergency medical services

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1 system. The bill requires the task force to submit a report of
2 its findings and recommendations to the governor, the general
3 assembly, the department of public health, and the emergency
4 medical services advisory council by April 30, 2014. The bill
5 requires the emergency medical services advisory council to
6 review the report and make recommendations for implementation
7 to the director of the department of public health.



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Senate File 347 - Introduced

SENATE FILE 347
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1131)

A BILL FOR

1 An Act relating to record checks of prospective and current
2 health care employees and certain students.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1738SV (3) 85
jp/nh



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1 Section 1. Section 135B.34, subsection 2, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *Ob.* (1) If a person being considered for
4 employment, other than employment involving the operation
5 of a motor vehicle, has been convicted of a crime listed in
6 subparagraph (2) but does not have a record of founded child or
7 dependent abuse and the hospital has requested an evaluation
8 in accordance with paragraph "a" to determine whether the crime
9 warrants prohibition of the person's employment, the hospital
10 may employ the person for not more than sixty calendar days
11 pending completion of the evaluation.

12 (2) Subparagraph (1) applies to a crime that is a simple
13 misdemeanor offense under section 123.47 or chapter 321, and
14 to a crime that is a first offense of operating a motor vehicle
15 while intoxicated under section 321J.2, subsection 1.

16 Sec. 2. Section 135B.34, subsection 4, paragraph b, Code
17 2013, is amended to read as follows:

18 *b.* A person with a criminal or abuse record who is or was
19 employed by a hospital licensed under this chapter and is hired
20 by another ~~licensee without a lapse in employment~~ hospital
21 shall be subject to the criminal history and abuse record
22 checks required pursuant to subsection 1. ~~If~~ However, if an
23 evaluation was previously performed by the department of human
24 services concerning the person's criminal or abuse record and
25 it was determined that the record did not warrant prohibition
26 of the person's employment and the latest record checks do not
27 indicate a crime was committed or founded abuse record was
28 entered subsequent to that evaluation, the person may commence
29 employment with the other ~~licensee while~~ hospital in accordance
30 with the department of human services' evaluation of the latest
31 record checks is pending and an exemption from the requirements
32 in paragraph "a" for reevaluation of the latest record checks
33 is authorized. Otherwise, the requirements of paragraph "a"
34 remain applicable to the person's employment. Authorization
35 of an exemption under this paragraph "b" from requirements for

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1 reevaluation of the latest record checks by the department of
2 human services is subject to all of the following provisions:

3 (1) The position with the subsequent employer is
4 substantially the same or has the same job responsibilities as
5 the position for which the previous evaluation was performed.

6 (2) Any restrictions placed on the person's employment in
7 the previous evaluation by the department of human services
8 shall remain applicable in the person's subsequent employment.

9 (3) The person subject to the record checks has maintained a
10 copy of the previous evaluation and provides the evaluation to
11 the subsequent employer or the previous employer provides the
12 previous evaluation from the person's personnel file pursuant
13 to the person's authorization. If a physical copy of the
14 previous evaluation is not provided to the subsequent employer,
15 the record checks shall be reevaluated.

16 (4) Although an exemption under this lettered paragraph "b"
17 may be authorized, the subsequent employer may instead request
18 a reevaluation of the record checks and may employ the person
19 while the reevaluation is being performed.

20 Sec. 3. Section 135C.33, subsection 2, Code 2013, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. 0b. (1) If a person being considered for
23 employment, other than employment involving the operation
24 of a motor vehicle, has been convicted of a crime listed in
25 subparagraph (2) but does not have a record of founded child or
26 dependent abuse and the licensee has requested an evaluation
27 in accordance with paragraph "a" to determine whether the crime
28 warrants prohibition of the person's employment, the licensee
29 may employ the person for not more than sixty calendar days
30 pending completion of the evaluation.

31 (2) Subparagraph (1) applies to a crime that is a simple
32 misdemeanor offense under section 123.47 or chapter 321, and
33 to a crime that is a first offense of operating a motor vehicle
34 while intoxicated under section 321J.2, subsection 1.

35 Sec. 4. Section 135C.33, subsection 8, Code 2013, is amended

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1 by adding the following new paragraph:

2 NEW PARAGRAPH. *0d.* (1) If a student's clinical education
3 component of the training program involves children or
4 dependent adults but does not involve operation of a motor
5 vehicle, and the student has been convicted of a crime listed
6 in subparagraph (2), but does not have a record of founded
7 child or dependent adult abuse, and the training program has
8 requested an evaluation in accordance with paragraph "c"
9 to determine whether the crime warrants prohibition of the
10 student's involvement in such clinical education component, the
11 training program may allow the student's participation in the
12 component for not more than sixty days pending completion of
13 the evaluation.

14 (2) Subparagraph (1) applies to a crime that is a simple
15 misdemeanor offense under section 123.47 or chapter 321, and
16 to a crime that is a first offense of operating a motor vehicle
17 while intoxicated under section 321J.2, subsection 1.

18 Sec. 5. STUDY OF BACKGROUND CHECK IMPROVEMENTS
19 AND REQUIREMENTS FOR CERTAIN PROVIDERS OF HOME HEALTH
20 SERVICES. The department of inspections and appeals, in
21 conjunction with the departments of administrative services,
22 human services, public health, and public safety, shall
23 study the potential for applying new technologies and
24 other improvements that may be implemented for the current
25 processes of performing and evaluating child and dependent
26 adult abuse and criminal record checks of persons providing
27 health care services. In addition, the study shall consider
28 applying record check requirements to individuals and
29 agencies providing home health services that are not subject
30 to certification, licensing, or other regulation by state
31 government. The department shall submit a report with findings
32 and recommendations to the governor and general assembly on or
33 before December 15, 2013.

34 EXPLANATION

35 This bill relates to evaluation of the results of certain

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1 criminal record checks of prospective health care employees by
2 the department of human services (DHS).

3 Code sections 135B.34 and 135C.33, relating to criminal and
4 child or dependent adult abuse record checks of employees of
5 hospitals (135B.34) and health care facilities and certified
6 nurse aide student trainees (135C.33), are amended. Code
7 section 135B.34 is amended to conform with an amendment made
8 to Code section 135C.33 in 2012. Under the amendment, if a
9 person with a criminal or abuse record is or was employed by a
10 hospital and is hired by another hospital, the person remains
11 subject to another record check. However, if DHS previously
12 evaluated the record and determined the record did not warrant
13 prohibition of the person's employment, a reevaluation of the
14 record is not required if the conditions specified in the bill
15 are met. The conditions include that the new position is
16 substantially the same as the previous position, that any DHS
17 restrictions from the previous evaluation remain applicable,
18 and the employee either provides a physical copy of the
19 evaluation or the previous hospital provides it. Although
20 the exemption conditions are met, the new hospital may still
21 request a reevaluation of the record and employ the person
22 while the reevaluation is pending.

23 Both Code sections are amended to allow conditional
24 employment of prospective employees under certain
25 circumstances. In addition to nurse aide student trainees,
26 Code section 135C.33 applies to prospective employees
27 of nursing facilities, residential care facilities, and
28 intermediate care facilities for persons with mental illness or
29 a developmental disability, various in-home service providers,
30 hospices, Medicaid waiver service providers, elder group homes,
31 and assisted living programs.

32 Current law provides that if it is determined that a
33 person being considered for employment has been convicted of
34 a crime under a law of any state, the department of public
35 safety shall notify the licensee that upon the request of the

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1 licensee DHS will perform an evaluation to determine whether
2 the crime warrants prohibition of the person's employment in
3 the facility.

4 The bill allows for conditional employment of not more than
5 60 calendar days of the prospective employee who was convicted
6 of a crime specified by the bill pending completion of the DHS
7 evaluation. The bill does not apply to employment involving
8 the operation of a motor vehicle or to persons with a record
9 of founded child or dependent adult abuse. The crimes covered
10 by the bill are limited to simple misdemeanor offenses under
11 Code section 123.47, involving purchase or possession of an
12 alcoholic beverage by a person who is not legal age, and
13 Code chapter 321, relating to motor vehicles and laws of the
14 road, and first offenses of operating a motor vehicle while
15 intoxicated under section 321J.2, subsection 1 (a serious
16 misdemeanor).

17 A similar new conditional employment exception is applied by
18 the bill to students applying for, enrolled in, or returning to
19 a certified nurse aide training program.

20 The department of inspections and appeals, in conjunction
21 with the departments of administrative services, human
22 services, public health, and public safety, is required
23 to study the potential for applying new technologies and
24 other improvements that may be implemented for the current
25 processes of performing and evaluating child and dependent
26 adult abuse and criminal record checks of persons providing
27 health care services. In addition, the study is required to
28 consider applying record check requirements to individuals and
29 agencies providing home health services that are not subject
30 to certification, licensing, or other regulation by state
31 government. The department is required to report with findings
32 and recommendations to the governor and general assembly on or
33 before December 15, 2013.

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Senate File 348 - Introduced

SENATE FILE 348
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1156)

A BILL FOR

1 An Act relating to the period of validity of driver's licenses
2 and nonoperator's identification cards and to associated
3 fees, and including effective date and applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2139SV (2) 85
dea/nh



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1 Section 1. Section 321.190, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:

3 d. The fee for a nonoperator's identification card shall
4 be ~~five~~ eight dollars and the card shall be valid for a
5 period of ~~five~~ eight years from the date of issuance. A
6 ~~nonoperator's identification card shall be issued without~~
7 ~~expiration to anyone age seventy or over.~~ If an applicant
8 for a nonoperator's identification card is a foreign national
9 who is temporarily present in this state, the nonoperator's
10 identification card shall be issued only for the length of time
11 the foreign national is authorized to be present as determined
12 by the department, not to exceed two years. An issuance fee
13 shall not be charged for a person whose driver's license or
14 driving privilege has been suspended under section 321.210,
15 subsection 1, paragraph "a", subparagraph (3), or voluntarily
16 surrendered by the person in lieu of suspension under section
17 321.210, subsection 1, paragraph "a".

18 Sec. 2. Section 321.196, subsection 1, Code 2013, is amended
19 to read as follows:

20 1. Except as otherwise provided, if the licensee is between
21 the ages of seventeen years eleven months and seventy-two years
22 on the date of issuance of the license, a driver's license,
23 other than an instruction permit, chauffeur's instruction
24 permit, or commercial driver's instruction permit issued under
25 section 321.180, expires ~~five~~ eight years from the licensee's
26 birthday anniversary occurring in the year of issuance ~~if the~~
27 ~~licensee is between the ages of seventeen years eleven months~~
28 ~~and seventy years on the date of issuance of the license, but~~
29 not to exceed the licensee's seventy-fourth birthday. If the
30 licensee is under the age of seventeen years eleven months or
31 age ~~seventy~~ seventy-two or over, the license is effective for a
32 period of two years from the licensee's birthday anniversary
33 occurring in the year of issuance. A licensee whose license is
34 restricted due to vision or other physical deficiencies may be
35 required to renew the license every two years. If a licensee

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1 is a foreign national who is temporarily present in this state,
2 the license shall be issued only for the length of time the
3 foreign national is authorized to be present as verified by the
4 department, not to exceed two years.

5 Sec. 3. EMERGENCY RULES. The department of transportation
6 may adopt emergency rules under section 17A.4, subsection 3,
7 and section 17A.5, subsection 2, paragraph "b", to implement
8 section 321.190, subsection 1, paragraph "d", as amended in
9 this Act, and section 321.196, subsection 1, as amended in
10 this Act, and the rules shall be effective immediately upon
11 filing unless a later date is specified in the rules. Any
12 rules adopted in accordance with this section shall also be
13 published as a notice of intended action as provided in section
14 17A.4. The rules established under this authority may provide
15 for a transition from five-year to eight-year renewal periods
16 for driver's licenses and nonoperator's identification cards.
17 During the transition, the department may issue driver's
18 licenses and nonoperator's identification cards valid for
19 periods of five, six, seven, or eight years to equalize renewal
20 periods and applicants over succeeding years.

21 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
22 immediate importance, takes effect upon enactment.

23 EXPLANATION

24 This bill concerns the period of validity of driver's
25 licenses and nonoperator's identification cards issued by the
26 department of transportation.

27 The bill amends Code section 321.190 to extend the validity
28 of nonoperator's identification cards from five years to
29 eight years, with a corresponding fee increase from \$5 to
30 \$8. The bill provides for the issuance of a nonoperator's
31 identification card without fee to a person whose driver's
32 license is voluntarily surrendered due to the person's
33 physical or mental inability to drive. In addition, the
34 current provision that provides for issuance of a nonexpiring
35 nonoperator's identification card to a person age 70 or over

LSB 2139SV (2) 85
dea/nh

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S.F. 348

1 is stricken.

2 Code section 321.196 is amended to extend the validity of a
3 driver's license from five years to eight years for licenses
4 issued to persons between the ages of 17 years, 11 months, and
5 72 years, but not beyond the person's 74th birthday. Pursuant
6 to current law, the fee for a driver's license is based on the
7 years of validity; that does not change under the bill.

8 The department is authorized to adopt emergency rules to
9 implement the driver's license and nonoperator's identification
10 card renewal provisions and to provide for a transition from
11 five-year to eight-year renewal periods. The bill takes effect
12 upon enactment.



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Senate File 349 - Introduced

SENATE FILE 349
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1179)

A BILL FOR

1 An Act relating to the deadline for obtaining a registration
2 fee credit for a vehicle that is sold, transferred, or
3 junked or for a motor vehicle purchased by a lessee, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2038SV (2) 85
dea/nh



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S.F. 349

1 Section 1. Section 321.46, subsection 3, paragraph a, Code
2 2013, is amended to read as follows:

3 a. The credit shall be claimed within ~~thirty days~~ six months
4 from the date the vehicle for which credit is granted was sold,
5 transferred, or junked. After ~~thirty days~~ six months, all
6 credits shall be disallowed.

7 Sec. 2. Section 321.46, subsection 7, Code 2013, is amended
8 to read as follows:

9 7. If a motor vehicle is leased and the lessee purchases
10 the vehicle upon termination of the lease, the lessor shall,
11 upon claim by the lessee with the lessor within ~~thirty days~~
12 six months of the purchase, assign the annual registration fee
13 credit and registration plates for the leased motor vehicle to
14 the lessee. Credit shall be applied as provided in subsection
15 3.

16 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
17 2014.

18 EXPLANATION

19 Currently, when a person transfers ownership of a vehicle,
20 the person is entitled to a credit of the unexpired portion
21 of the annual registration fee for the vehicle that was sold,
22 transferred, or junked. The credit is processed by the county
23 treasurer and is applied to the annual registration fee for
24 a vehicle newly acquired by the person. The credit must be
25 claimed within 30 days of the date the vehicle was sold,
26 transferred, or junked. If the credit is not claimed within 30
27 days, the person has six months in which to apply to the county
28 treasurer or the department of transportation for a refund of
29 the amount of the unexpired registration fee that would have
30 otherwise been available as a credit.

31 This bill extends the period in which a person may apply for
32 a credit of unexpired registration fees to six months.

33 Currently, when a motor vehicle is purchased by the lessee
34 upon termination of a lease, the lessee has 30 days in which
35 to claim a credit from the lessor for the unexpired portion

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1 of the annual registration fee and have the registration fee
2 credit and registration plates for the leased motor vehicle
3 assigned to the lessee. The bill provides that the lessee has
4 six months in which to make the claim for the transfer of the
5 registration fee credit and the registration plates.
6 The bill takes effect January 1, 2014.



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Senate File 350 - Introduced

SENATE FILE 350
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SF 178)

A BILL FOR

1 An Act relating to mandatory child abuse and dependent adult
2 abuse reporter training, and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1567SV (3) 85
ad/nh



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S.F. 350

1 Section 1. Section 135.11, subsection 24, Code 2013, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 24. a. Establish requirements for the curricula and
5 perform the review and approval for mandatory reporter
6 training curricula for those persons who work in a position
7 classification that under law makes the persons mandatory
8 reporters of child or dependent adult abuse and the position
9 classification does not have a mandatory reporter training
10 curriculum approved by a licensing or examining board. The
11 department may convene a stakeholder group which includes
12 representatives from the departments of education, human
13 services, and public safety, as necessary to make revisions to
14 the curricula.

15 b. Establish requirements for trainers for the interactive
16 training requirement for mandatory reporters and perform
17 the review and approval of the trainers for the interactive
18 training requirement for mandatory reporters provided in
19 section 232.69, subsection 3, paragraph "b", subparagraph (3).

20 Sec. 2. Section 232.69, subsection 3, paragraph b, Code
21 2013, is amended to read as follows:

22 b. (1) A person required to make a report under subsection
23 1, other than a physician whose professional practice does
24 not regularly involve providing primary health care to
25 children, shall complete two hours of training relating to
26 the identification and reporting of child abuse within six
27 months of initial employment or self-employment involving the
28 examination, attending, counseling, or treatment of children
29 on a regular basis.

30 (2) Within one month of initial employment or
31 self-employment, the person shall obtain a statement of the
32 abuse reporting requirements from the person's employer or, if
33 self-employed, from the department.

34 (3) Between twenty-four and thirty-six months after initial
35 employment or self-employment, the person shall complete ninety

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ad/nh

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1 minutes of interactive training for mandatory reporters.
2 However, if the person obtains subsequent employment prior
3 to completing the interactive training, and the person's
4 subsequent employment is substantially similar or the
5 person has the same job responsibilities and the subsequent
6 employer requires the person to complete two hours of training
7 within six months of the subsequent employment pursuant to
8 subparagraph (1), the person shall complete the interactive
9 training between twenty-four to thirty-six months after initial
10 employment at the subsequent employment. The person shall
11 also complete the interactive training between twenty-four to
12 thirty-six months after initial employment at the subsequent
13 employment when the person obtains subsequent employment prior
14 to completing the interactive training, and the person's
15 subsequent employment is not substantially similar. The
16 trainers for the interactive training for mandatory reporters
17 shall be approved by the department of public health pursuant
18 to section 135.11, subsection 24.

19 (4) The person shall complete at least two hours
20 of additional child abuse identification and reporting
21 training, not including the interactive training described in
22 subparagraph (3), every five years after the date of initial
23 employment or self-employment and every five years thereafter.

24 Sec. 3. Section 232.69, subsection 3, paragraph d,
25 unnumbered paragraph 1, Code 2013, is amended to read as
26 follows:

27 The person may complete the initial, interactive, or
28 additional training requirements as part of any of the
29 following that are applicable to the person:

30 Sec. 4. Section 232.69, subsection 3, paragraph d,
31 subparagraph (2), Code 2013, is amended to read as follows:

32 (2) A training program using a curriculum approved by
33 ~~the abuse education review panel established by the director~~
34 department of public health pursuant to section 135.11.

35 Sec. 5. Section 235B.16, subsection 5, paragraph d,

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1 subparagraph (2), Code 2013, is amended to read as follows:

2 (2) A training program using a curriculum approved by
3 the ~~abuse education review panel established by the director~~
4 department of public health pursuant to section 135.11.

5 Sec. 6. Section 235B.16, subsection 5, paragraph e, Code
6 2013, is amended to read as follows:

7 e. A person required to complete both child abuse and
8 dependent adult abuse mandatory reporter training may complete
9 the training through a program which combines child abuse
10 and dependent adult abuse curricula and thereby meet the
11 training requirements of both this subsection and section
12 232.69 simultaneously. A person who is a mandatory reporter
13 for both child abuse and dependent adult abuse may satisfy the
14 combined training requirements of this subsection and section
15 232.69 through completion of a two-hour training program, if
16 the training program curriculum is approved by the appropriate
17 licensing board or the ~~abuse education review panel established~~
18 ~~by the director~~ department of public health pursuant to section
19 135.11.

20 Sec. 7. RULES. The department of public health shall adopt
21 rules to implement the provisions of this Act.

22 Sec. 8. APPLICABILITY. The section of this Act amending
23 section 232.69, subsection 3, paragraph "b", applies to a
24 person required to make a child abuse report who begins initial
25 employment or self-employment on or after July 1, 2013.

26 EXPLANATION

27 This bill relates to mandatory child abuse and dependent
28 adult abuse reporter training. The bill eliminates the abuse
29 education review panel, a panel established by the department
30 of public health. The abuse education review panel was
31 established to review and approve mandatory reporter training
32 curricula. The bill instead transfers this responsibility
33 to the department of public health and also requires the
34 department to review and approve trainers for the new
35 interactive training requirement for mandatory reporters of

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ad/nh

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S.F. 350

1 child abuse. The bill also provides that the department of
2 public health may convene a group of stakeholders to make
3 revisions to curricula.

4 The bill adds an additional one-time training requirement
5 for mandatory reporters of child abuse. Between 24 and 36
6 months after initial employment or self-employment, a mandatory
7 reporter must complete a 90-minute interactive training. The
8 bill requires the department of public health to approve the
9 trainers for this interactive training. The other training
10 requirements for mandatory reporters of child abuse remain the
11 same under the bill.

12 The bill states that the interactive training requirement
13 applies to mandatory reporters of child abuse who begin initial
14 employment or self-employment on or after July 1, 2013.



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March 06, 2013

Senate File 351 - Introduced

SENATE FILE 351
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1133)

A BILL FOR

1 An Act relating to service providers under Medicaid home and
2 community-based services waivers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1152SV (3) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
March 06, 2013

S.F. 351

1 Section 1. Section 135C.6, subsection 8, paragraph c,
2 unnumbered paragraph 1, Code 2013, is amended to read as
3 follows:

4 A residential program approved by the department of human
5 services pursuant to this paragraph "c" to receive moneys
6 appropriated to the department of human services under
7 provisions of a federally approved home and community-based
8 services habilitation or ~~waiver for persons with intellectual~~
9 ~~disabilities~~ program may provide care to not more than five
10 individuals. The department shall approve a residential
11 program under this paragraph that complies with all of the
12 following conditions:

13 Sec. 2. 2010 Iowa Acts, chapter 1031, section 351, is
14 amended to read as follows:

15 SEC. 351. MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER
16 ~~PAYMENTS~~ UTILIZATION — REVIEW. The department of human
17 services shall evaluate ~~payment records~~ utilization data and
18 determine the proper mechanism to trigger a review of ~~payments~~
19 medical necessity for services provided under each home and
20 community-based services waiver ~~that are in excess of the~~
21 ~~median amount for payments through the applicable waiver.~~
22 Following evaluation of the utilization data and determination
23 of the trigger mechanism, the department shall notify the
24 affected providers of the results of the evaluation of
25 utilization data, the determination of the trigger mechanism,
26 and the criteria that will be used for review of services that
27 exceed the trigger mechanism, at least sixty days prior to
28 applying the trigger mechanism to assess the medical necessity
29 of the services requested. Following development of the
30 trigger mechanism provision of notice to affected providers
31 as required under this section, the department shall require
32 advance approval for services for which payment utilization is
33 projected to exceed the median trigger mechanism as applicable
34 to each waiver service. The use of a trigger mechanism and the
35 approval process is intended to preserve necessary services

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S.F. 351

1 while preventing overuse of services.

2 EXPLANATION

3 This bill involves provisions relating to Medicaid home and
4 community-based services (HCBS) waivers.

5 The bill amends a provision in the health facilities
6 licensing chapter (Code chapter 135C) that provides an
7 exemption from licensing as a health care facility for certain
8 residential programs to which the department of human services
9 (DHS) applies accreditation, certification, or standards of
10 review. The bill broadens the exemption for residential
11 programs that provide care to not more than five individuals
12 that are approved by DHS to receive moneys under an HCBS
13 waiver, by removing the limitation to only HCBS waivers for
14 persons with intellectual disabilities and instead providing
15 for application of the exemption to residential programs
16 approved by DHS to receive moneys under HCBS habilitation or
17 waiver programs.

18 The bill also amends a provision in 2010 Iowa Acts relating
19 to evaluation of Medicaid HCBS waiver payments, to instead
20 require that DHS evaluate utilization data and determine the
21 proper mechanism to trigger a review of medical necessity for
22 services provided under each home and community-based services
23 waiver. Following evaluation of the utilization data and
24 determination of the trigger mechanism, DHS is required to
25 notify affected providers at least 60 days prior to applying
26 the trigger mechanism. Following provision of the notice,
27 DHS is to require advance approval for services for which
28 utilization is projected to exceed the trigger mechanism.



Iowa General Assembly
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Senate File 352 - Introduced

SENATE FILE 352
BY HATCH

A BILL FOR

1 An Act relating to employment discrimination on the basis of
2 sex.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1626XS (1) 85
je/sc



Iowa General Assembly
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March 06, 2013

S.F. 352

1 Section 1. Section 216.6, subsection 1, paragraph a, Code
2 2013, is amended to read as follows:

3 a. Person to refuse to hire, accept, register, classify,
4 or refer for employment, to discharge any employee, or to
5 otherwise discriminate in employment against any applicant
6 for employment or any employee because of the age, race,
7 creed, color, sex, sexual orientation, gender identity,
8 national origin, religion, or disability of such applicant or
9 employee, unless based upon the nature of the occupation. If a
10 person with a disability is qualified to perform a particular
11 occupation, by reason of training or experience, the nature
12 of that occupation shall not be the basis for exception to
13 the unfair or discriminating practices prohibited by this
14 subsection. For purposes of this paragraph, "because of the
15 sex of such applicant or employee" includes actions taken by
16 an employer because of the employer's physical attraction
17 to or personal feelings toward an employee or applicant for
18 employment that would not occur but for the employee's or
19 applicant's sex.

20 Sec. 2. Section 216.6A, subsection 2, Code 2013, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. c. For purposes of this subsection,
23 *"because of the sex of such employee"* includes actions taken
24 by an employer because of the employer's physical attraction
25 to or personal feelings toward an employee or applicant for
26 employment that would not occur but for the employee's or
27 applicant's sex.

28 EXPLANATION

29 This bill provides that employment discrimination on
30 the basis of sex under the Iowa Civil Rights Act includes
31 adverse employment action taken by an employer because of the
32 employer's physical attraction to or personal feelings toward
33 an employee or applicant for employment that would not occur
34 but for the employee's or applicant's sex.

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je/sc

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March 06, 2013

Senate File 353 - Introduced

SENATE FILE 353
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1082)

A BILL FOR

1 An Act relating to vaccine administration by licensed
2 pharmacists.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1918SV (4) 85
ad/nh



Iowa General Assembly
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S.F. 353

1 Section 1. NEW SECTION. 155A.44 Vaccine and immunization
2 administration.

3 1. In accordance with rules adopted by the board, a licensed
4 pharmacist may administer vaccines and immunizations pursuant
5 to this section.

6 2. The board shall adopt rules requiring pharmacists to
7 complete training pursuant to continuing education requirements
8 and establish protocols for the review of prescriptions and
9 administration of vaccines and immunizations. The rules shall
10 allow a licensed pharmacist who has completed the required
11 training to administer vaccines and immunizations in accordance
12 with the rules of the board and shall include the United States
13 centers for disease control and prevention's protocol for the
14 administration of the vaccinations and immunizations.

15 3. Prior to the administration of a vaccination or
16 immunization authorized by subsection 4, paragraph "b",
17 subparagraphs (2) through (4), pursuant to the required
18 protocols, a licensed pharmacist shall consult and review the
19 statewide immunization registry or health information network.
20 The board shall adopt rules requiring the reporting of the
21 administration of vaccines and immunizations authorized by
22 subsection 4, paragraph "b", subparagraphs (2) through (4), to
23 a patient's primary health care provider, primary physician,
24 and a statewide immunization registry or health information
25 network.

26 4. A licensed pharmacist shall only administer the
27 following vaccines and immunizations to the designated age
28 categories:

29 a. Vaccination and immunization of patients ages six
30 years through seventeen years shall be limited to vaccines or
31 immunizations for influenza and other emergency immunizations
32 or vaccines in response to a public health emergency.

33 b. Patients ages eighteen years and older may receive
34 a vaccination or immunization administered by a licensed
35 pharmacist for any of the following:

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ad/nh

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1 (1) An immunization or vaccination described in paragraph
2 "a", including all forms of the influenza vaccine.

3 (2) An immunization or vaccination recommended by the
4 United States centers for disease control and prevention
5 advisory committee on immunization practices in its approved
6 vaccination schedule for adults.

7 (3) An immunization or vaccine recommended by the United
8 States centers for disease control and prevention for
9 international travel.

10 (4) A Tdap (tetanus, diphtheria, acellular pertussis)
11 vaccination in a booster application.

12 EXPLANATION

13 This bill allows licensed pharmacists to administer vaccines
14 and immunizations. The bill provides that the board of
15 pharmacy must adopt rules requiring pharmacists to complete
16 training pursuant to continuing education requirements and
17 establish protocols for the review of prescriptions and
18 administration of vaccines and immunizations. The rules
19 shall allow a licensed pharmacist who has completed required
20 training to administer vaccines and immunizations as provided
21 by rule and the United States centers for disease control and
22 prevention's (CDC) protocol.

23 A licensed pharmacist allowed to administer vaccines
24 and immunizations under the bill is limited to specific
25 vaccines and immunizations for certain age groups. A licensed
26 pharmacist may administer vaccines or immunizations for
27 influenza and emergency immunizations or vaccines in response
28 to a public health emergency for patients aged 6 years through
29 17 years.

30 A patient aged 18 years or older may receive an immunization
31 or vaccine from a licensed pharmacist for influenza or Tdap,
32 a vaccine or immunization in response to a public health
33 emergency, an immunization or vaccine recommended by the CDC
34 advisory committee on immunization practices in its approved
35 vaccination schedule for adults, or vaccines and immunizations

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ad/nh

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1 recommended by the CDC for international travel. The bill
2 requires a pharmacist administering an immunization or
3 vaccination recommended by the CDC advisory committee in its
4 approved vaccination schedule for adults, an immunization or
5 vaccination recommended by the CDC for international travel,
6 or a Tdap vaccination to an adult pursuant to the bill to
7 consult and review the statewide immunization registry or
8 health information network prior to administering the vaccine
9 or immunization. The bill also requires the board to adopt
10 rules requiring a pharmacist administering an immunization or
11 vaccination recommended by the CDC advisory committee in its
12 approved vaccination schedule for adults, an immunization or
13 vaccination recommended by the CDC for international travel,
14 or a Tdap vaccination to an adult pursuant to the bill to
15 report to the patient's primary health care provider, primary
16 physician, and a statewide immunization registry or health
17 information network.



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Senate File 354 - Introduced

SENATE FILE 354
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1176)

A BILL FOR

1 An Act relating to public cafeterias concerning local
2 purchasing preferences and the American heart association's
3 dietary guidelines.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2019SV (2) 85
mr/rj



Iowa General Assembly
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S.F. 354

1 Section 1. PUBLIC CAFETERIAS — PURCHASING PREFERENCES AND
2 DIETARY GUIDELINES.

3 1. The department of administrative services shall convene
4 a task force to propose a plan and implementation timeline
5 requiring all cafeterias at the capitol complex and buildings
6 in this state in which an executive branch agency has an office
7 to conform to the most current dietary guidelines of either the
8 American heart association or the United States department of
9 agriculture, and to establish purchasing preferences for local
10 producers of food and local beverage providers.

11 2. The state board of regents and the department of
12 education shall also convene a task force to propose a plan and
13 implementation timeline requiring collegiate campus cafeterias
14 to conform to the most current dietary guidelines of either
15 the American heart association or the United States department
16 of agriculture, and to establish purchasing preferences for
17 local producers of food and local beverage providers. Campus
18 cafeterias addressed in the plan include cafeterias located at
19 the university of northern Iowa, Iowa state university, the
20 university of Iowa, and all community colleges.

21 3. The task forces shall submit their plans and
22 implementation timelines to the general assembly by January 2,
23 2014.

24 4. The department of administrative services, state board
25 of regents, and department of education shall each adopt a
26 plan requiring the affected cafeterias to conform to the
27 most current dietary guidelines of either the American heart
28 association or the United States department of agriculture by
29 January 1, 2015.

30 5. Any affected cafeteria's new or renewal food service
31 contract entered into during calendar year 2014 shall also
32 conform to the appropriate plans adopted pursuant to subsection
33 4.

34 EXPLANATION

35 This bill relates to the adoption of dietary guidelines by

LSB 2019SV (2) 85

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mr/rj

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S.F. 354

1 cafeterias located at the capitol complex, in buildings in this
2 state in which an executive branch agency has an office, and in
3 public collegiate institutions.

4 The bill requires the department of administrative
5 services to convene a task force that will propose a plan and
6 implementation timeline requiring all cafeterias at the capitol
7 complex and in buildings in this state in which an executive
8 branch agency has an office to conform to the most current
9 dietary guidelines of either the American heart association or
10 the United States department of agriculture, and to establish
11 purchasing preferences for local producers of food and local
12 beverage providers.

13 The bill also requires the state board of regents and the
14 department of education to convene a task force that will
15 propose a plan and implementation timeline requiring collegiate
16 campus cafeterias to conform to the same dietary guidelines and
17 purchasing preferences. Campus cafeterias addressed in the
18 plan include those at the university of northern Iowa, Iowa
19 state university, the university of Iowa, and all community
20 colleges.

21 The task forces are required to submit their plans and
22 implementation timelines to the general assembly by January 2,
23 2014. The department of administrative services, state board
24 of regents, and department of education shall each adopt a
25 plan requiring cafeteria conformity to the dietary guidelines
26 by January 1, 2015. Any affected cafeteria's new or renewal
27 food service contract entered into during calendar year 2014
28 shall also conform to the appropriate plans adopted by the task
29 force.



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Senate Joint Resolution 9 - Introduced

SENATE JOINT RESOLUTION 9
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1210)

SENATE JOINT RESOLUTION

1 A Joint Resolution to extend the time for offerors to respond
2 to the Iowa telecommunications and technology commission's
3 request for proposals for the sale or lease of the Iowa
4 communications network, and including effective date and
5 retroactive applicability provisions.
6 WHEREAS, the Iowa telecommunications and technology
7 commission is required to implement a request for proposals
8 process to sell or lease the Iowa communications network; and
9 WHEREAS, the sale is required to be concluded or the lease
10 commenced during the fiscal year beginning July 1, 2012; and
11 WHEREAS, the commission has determined that additional
12 time is necessary for receiving responses to the request for
13 proposals; NOW THEREFORE,
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2221SV (1) 85
rn/nh



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S.J.R. 9

1 Section 1. IOWA COMMUNICATIONS NETWORK SALE OR LEASE —
2 EXTENSION OF REQUEST FOR PROPOSALS DEADLINE. Notwithstanding
3 2011 Iowa Acts, chapter 122, section 8, as amended by 2011 Iowa
4 Acts, chapter 127, section 55, the Iowa telecommunications and
5 technology commission shall extend the April 30, 2013, deadline
6 for receiving offeror responses to the request for proposals
7 issued on February 6, 2013, for the sale or lease of the Iowa
8 communications network to July 31, 2013. The commission shall
9 adjust and extend all other established deadlines associated
10 with the request for proposals in a manner consistent with this
11 extension.

12 Sec. 2. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY. This
13 joint resolution, being deemed of immediate importance, takes
14 effect upon enactment and, if approved by the governor on or
15 after April 30, 2013, shall apply retroactively to that date.

16 EXPLANATION

17 This joint resolution extends the date for responding to
18 a request for proposals for the sale or lease of the Iowa
19 communications network.

20 The resolution provides that the current deadline of April
21 30, 2013, for receiving responses to a request for proposals
22 issued on February 6, 2013, for the sale or lease of the
23 network shall be extended to July 31, 2013. The resolution
24 directs the Iowa telecommunications and technology commission
25 to adjust and extend all other established deadlines associated
26 with the request for proposals in a manner consistent with this
27 extension.

28 The resolution takes effect upon enactment and, if
29 approved by the governor on or after April 30, 2013, applies
30 retroactively to that date.



Iowa General Assembly
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Senate Study Bill 1234 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act establishing an incentive program applicable to
2 specified wind energy production facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1923XC (1) 85
rn/rj



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S.F. _____

1 Section 1. NEW SECTION. 476.43A Wind energy incentive
2 program.

3 1. A wind energy production facility with a nameplate
4 generating capacity of less than or equal to twenty megawatts
5 which seeks to enter into an interconnection and power sales
6 agreement with an electric utility may submit an application
7 for approval to the board. The board shall develop an
8 application form and establish approval criteria by rule.

9 2. a. Eligibility for the program shall be contingent upon
10 the following:

11 (1) Constructing the facility on agricultural land in this
12 state as defined in section 9H.1.

13 (2) Having applied for or obtained the necessary financing
14 to cover facility construction and operation costs.

15 (3) Completing a standard interconnection request form
16 established by the board by rule.

17 b. Notwithstanding the ownership or maximum purchase
18 requirements of section 476.44, an electric utility shall
19 interconnect with a facility which is approved by the board
20 for participation in the program and shall purchase energy
21 from that facility at the rates approved in the standard
22 offer contract filed pursuant to subsection 3 with the board.
23 However, an electric utility shall not be required to purchase
24 an amount of energy from new program participants in a given
25 year which exceeds fifty percent of the electric utility's
26 retail sales growth during the previous year.

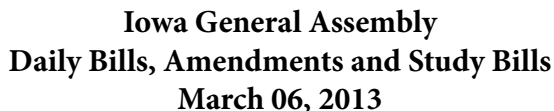
27 3. a. The board shall develop a standard offer contract
28 form to facilitate interconnection between an electric utility
29 and a program participant. The form shall be subject to
30 biannual review and periodic adjustment by the board with
31 respect to new program participants. The board shall require
32 all electric utilities to file with the board standard offer
33 contracts consistent with the form, subject to modification
34 and approval by the board. Electric utilities shall make
35 the contracts available to any approved program participant.

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1 Standard offer contracts shall continue in effect for a
2 ten-year period or until construction and financing costs of
3 the facility have been recovered, whichever is earlier, may be
4 renewed, and shall be subject to termination provisions for
5 failure to perform, to be established by the board by rule.

6 *b.* The standard offer contracts shall be calculated on
7 a kilowatt-hour basis, and shall be based on each utility's
8 cost, inclusive of its required rate of return, for the new
9 development of wind technology.

10 *c.* Until the owner of the facility has recovered all
11 construction and financing costs incurred in construction
12 of the facility through electricity sales to the utility,
13 electricity generated by the facility shall be fully
14 transmitted to the utility and not available to the owner of
15 the facility for utilization on-site.

16 4. Standard offer contracts shall be in lieu of rates
17 otherwise determined by the board pursuant to section 476.43.
18 An unsuccessful applicant, or a wind energy production facility
19 with larger than twenty megawatts of nameplate generating
20 capacity, shall be governed by the rates established in section
21 476.43.

22 5. The board shall submit a report to the general assembly
23 by January 1 annually regarding program participation levels
24 and program results.

26 This bill establishes a wind energy incentive program
27 applicable to wind energy production facilities approved for
28 participation in the program.

29 The bill provides that a wind energy production facility
30 with a nameplate generating capacity of less than or equal
31 to 20 megawatts which seeks to enter into an interconnection
32 and power sales agreement with an electric utility may submit
33 an application for approval to the Iowa utilities board. To
34 be eligible to apply for the program, a facility must be
35 constructed on land suitable for use in farming, have applied

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1 for or obtained the necessary financing to cover facility
2 construction and operation costs, and complete a standard
3 interconnection request form established by the board by rule.

4 The bill provides that notwithstanding the ownership or
5 maximum purchase requirements of Code section 476.44, an
6 electric utility shall be required to interconnect with a
7 facility approved by the board for the program, but shall not
8 be required to purchase an amount of energy from new program
9 participants in a given year which exceeds 50 percent of its
10 retail sales growth during the previous year.

11 The bill directs the board to develop a standard offer
12 contract form to facilitate interconnection between an electric
13 utility and a program participant, which shall be subject to
14 biannual review and periodic adjustment by the board with
15 respect to new program participants. All electric utilities
16 shall file with the board standard offer contracts consistent
17 with this form, subject to modification and board approval, and
18 shall make these contracts available to any approved program
19 participant. The bill provides that standard offer contracts
20 shall continue in effect for the earlier of 10 years, or the
21 date by which the facility owner has recovered construction and
22 financing costs, are renewable, and are subject to termination
23 provisions for failure to perform to be established by the
24 board by rule.

25 The bill provides that purchases of electricity under the
26 standard offer contracts shall be calculated on a kilowatt-hour
27 basis, and shall be based on each utility's cost, inclusive of
28 its required rate of return, for the new development of wind
29 technology. Until the owner of the facility has recovered all
30 construction and financing costs incurred in construction of
31 the facility, the bill provides that all electricity generated
32 by the facility shall be fully transmitted to the utility and
33 not available to the owner of the facility for utilization
34 on-site.

35 The bill states that standard offer contracts shall be

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1 in lieu of alternate and renewable energy rates otherwise
2 determined by the board pursuant to Code section 476.43, and
3 that an unsuccessful applicant, or a wind energy production
4 facility with larger than 20 megawatts of nameplate generating
5 capacity, shall be governed by the Code section 476.43 rates.
6 The bill requires the board to submit a report to the general
7 assembly by January 1 annually regarding program participation
8 levels and results.



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Senate Study Bill 1235 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to envelopes provided to absentee voters.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 50.20, Code 2013, is amended to read as
2 follows:

3 **50.20 Notice of number of provisional ballots.**

4 The commissioner shall compile a list of the number of
5 provisional ballots cast under section 49.81 in each precinct.
6 The list shall be made available to the public as soon as
7 possible, but in no case later than ~~nine o'clock~~ 9:00 a.m. on
8 the second day following the election. Any elector may examine
9 the list during normal office hours, and may also examine the
10 ~~affidavit~~ affidavits on the envelopes bearing containing the
11 ballots of challenged electors until the reconvening of the
12 special precinct board as required by this chapter. Only those
13 persons so permitted by section 53.23, subsection 4, shall have
14 access to the affidavits while that board is in session. Any
15 elector may present written statements or documents, supporting
16 or opposing the counting of any provisional ballot, at the
17 commissioner's office until the reconvening of the special
18 precinct board.

19 Sec. 2. Section 53.8, subsection 1, Code 2013, is amended
20 to read as follows:

21 1. a. Upon receipt of an application for an absentee ballot
22 and immediately after the absentee ballots are printed, the
23 commissioner shall mail an absentee ballot to the applicant
24 within twenty-four hours, except as otherwise provided in
25 subsection 3. The absentee ballot shall be sent to the
26 registered voter by one of the following methods:

27 (1) The absentee ballot shall be enclosed in an unsealed
28 envelope ~~bearing~~ imprinted with a serial number and affidavit.
29 The absentee ballot and ~~unsealed~~ affidavit envelope shall
30 be enclosed in or with a an unsealed return envelope marked
31 postage paid which bears the same serial number as the ~~unsealed~~
32 affidavit envelope. The absentee ballot, ~~unsealed~~ affidavit
33 envelope, and return envelope shall be enclosed in a third
34 envelope to be sent to the registered voter. If the ballot
35 cannot be folded so that all of the votes cast on the ballot

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1 will be hidden, the commissioner shall also enclose a secrecy
2 envelope with the absentee ballot.

3 (2) The absentee ballot shall be enclosed in an unsealed
4 return envelope imprinted with a serial number and affidavit
5 and marked postage paid. The absentee ballot and return
6 envelope shall be enclosed in a second envelope to be sent
7 to the registered voter. If the ballot cannot be folded so
8 that all of the votes cast on the ballot will be hidden, the
9 commissioner shall also enclose a secrecy envelope with the
10 absentee ballot.

11 b. The affidavit shall be imprinted on the appropriate
12 envelope in a form prescribed by the state commissioner of
13 elections.

14 Sec. 3. Section 53.10, subsection 2, Code 2013, is amended
15 to read as follows:

16 2. Each person who wishes to vote by absentee ballot at
17 the commissioner's office shall first sign an application for
18 a ballot including the following information: name, current
19 address, and the election for which the ballot is requested.
20 The person may report a change of address or other information
21 on the person's voter registration record at that time. The
22 registered voter shall immediately mark the ballot; enclose
23 the ballot in a secrecy envelope, if necessary, and seal it
24 in ~~an affidavit~~ the envelope imprinted with the affidavit;
25 subscribe to the affidavit on the reverse side of the envelope;
26 and return the absentee ballot to the commissioner. The
27 commissioner shall record the numbers appearing on the
28 application and affidavit envelope along with the name of the
29 registered voter.

30 Sec. 4. Section 53.16, Code 2013, is amended to read as
31 follows:

32 **53.16 Subscribing to affidavit.**

33 After marking the ballot, the voter shall make and subscribe
34 to the affidavit on the ~~reverse side of the~~ affidavit envelope
35 or on the return envelope imprinted with the affidavit, and

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1 fold the ballot or ballots, separately, so as to conceal
2 the markings on them, and deposit them in the envelope, and
3 securely seal the envelope.

4 Sec. 5. Section 53.17, subsection 1, unnumbered paragraph
5 1, Code 2013, is amended to read as follows:

6 ~~The~~ If the commissioner mailed the ballot pursuant to
7 section 53.8, subsection 1, paragraph "a", the sealed affidavit
8 envelope containing the absentee ballot shall be enclosed in
9 a return envelope which shall be securely sealed. If the
10 commissioner mailed the ballot pursuant to section 53.8,
11 subsection 1, paragraph "b", the absentee ballot shall be
12 enclosed in the return envelope which shall be securely
13 sealed. The sealed return envelope shall be returned to the
14 commissioner by one of the following methods:

15 Sec. 6. Section 53.18, subsections 2 and 3, Code 2013, are
16 amended to read as follows:

17 2. If the commissioner receives the return envelope
18 containing the completed absentee ballot by 5:00 p.m. on
19 the Saturday before the election for general and primary
20 elections and by 5:00 p.m. on the Friday before the election
21 for all other elections, the commissioner shall review the
22 affidavit imprinted on the return envelope, if applicable, for
23 completeness or shall open the return envelope to review the
24 affidavit for completeness. If the affidavit is incomplete,
25 the commissioner shall, within twenty-four hours of the time
26 the envelope was received, notify the voter of that fact and
27 that the voter may complete the affidavit in person at the
28 office of the commissioner by 5:00 p.m. on the day before the
29 election, vote a replacement ballot in the manner and within
30 the time period provided in subsection 3, or appear at the
31 voter's precinct polling place on election day and cast a
32 ballot in accordance with section 53.19, subsection 3.

33 3. If the affidavit envelope or the return envelope
34 imprinted with the affidavit contains a defect that would
35 cause the absentee ballot to be rejected by the absentee

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1 and special voters precinct board, the commissioner shall
2 immediately notify the voter of that fact and that the
3 voter's absentee ballot shall not be counted unless the
4 voter requests and returns a replacement ballot in the time
5 permitted under section 53.17, subsection 2. The voter may
6 request a replacement ballot in person, in writing, or over
7 the telephone. The same serial number that was assigned
8 to the records of the original absentee ballot application
9 shall be used on the envelope and records of the replacement
10 ballot. The ~~affidavit~~ envelope imprinted with the affidavit
11 and containing the completed replacement ballot shall be
12 marked "Replacement ballot". The ~~affidavit~~ envelope imprinted
13 with the affidavit and containing the original ballot shall
14 be marked "Defective" and the replacement ballot shall be
15 attached to ~~the affidavit~~ such envelope containing the original
16 ballot and shall be stored in a secure place until they are
17 delivered to the absentee and special voters precinct board,
18 notwithstanding sections 53.26 and 53.27.

19 Sec. 7. Section 53.21, subsection 2, paragraph b, Code 2013,
20 is amended to read as follows:

21 b. The voter shall enclose one copy of the above statement
22 in the return envelope along with the affidavit envelope, if
23 the voter was mailed a separate affidavit envelope, and shall
24 retain a copy for the voter's records.

25 Sec. 8. Section 53.23, subsection 3, paragraph b,
26 subparagraph (1), Code 2013, is amended to read as follows:

27 (1) The commissioner may direct the board to meet on the day
28 before the election for the purpose of reviewing the absentee
29 voters' affidavits appearing on the sealed ~~affidavit~~ envelopes.
30 If in the commissioner's judgment this procedure is necessary
31 due to the number of absentee ballots received, the members of
32 the board may open the sealed affidavit envelopes and remove
33 the secrecy envelope containing the ballot, but under no
34 circumstances shall a secrecy envelope or a return envelope
35 imprinted with an affidavit be opened before the board convenes

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1 on election day, except as provided in paragraph "c". If the
2 affidavit envelopes are opened before election day pursuant
3 to this paragraph "b", two observers, one appointed by each
4 of the two political parties referred to in section 49.13,
5 subsection 2, shall witness the proceedings. The observers
6 shall be appointed by the county chairperson or, if the
7 county chairperson fails to make an appointment, by the state
8 chairperson. However, if either or both political parties fail
9 to appoint an observer, the commissioner may continue with the
10 proceedings.

11 Sec. 9. Section 53.23, subsection 5, Code 2013, is amended
12 to read as follows:

13 5. The special precinct election board shall preserve
14 the secrecy of all absentee and provisional ballots. After
15 the affidavits on the envelopes have been reviewed and the
16 qualifications of the persons casting the ballots have been
17 determined, those that have been accepted for counting shall
18 be opened. The ballots shall be removed from the affidavit
19 envelopes or return envelopes imprinted with the affidavit, as
20 applicable, without being unfolded or examined, and then shall
21 be thoroughly intermingled, after which they shall be unfolded
22 and tabulated. If secrecy folders or envelopes are used with
23 provisional paper ballots, the ballots shall be removed from
24 the secrecy folders after the ballots have been intermingled.

25 Sec. 10. Section 53.25, Code 2013, is amended to read as
26 follows:

27 **53.25 Rejecting ballot.**

28 1. If the absentee voter's affidavit lacks the voter's
29 signature, if the applicant is not a duly registered voter on
30 election day in the precinct where the absentee ballot was
31 cast, if the ~~affidavit~~ envelope imprinted with the affidavit
32 contains more than one ballot of any one kind, or if the
33 voter has voted in person, such vote shall be rejected by the
34 absentee and special voters precinct board. If the affidavit
35 envelope or return envelope imprinted with the affidavit is



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1 open, or has been opened and resealed, or if the ballot is
2 not enclosed in ~~the affidavit~~ such envelope, and an affidavit
3 envelope or return envelope imprinted with the affidavit with
4 the same serial number and marked "Replacement ballot" is
5 not attached as provided in section 53.18, the vote shall be
6 rejected by the absentee and special voters precinct board.

7 2. If the absentee ballot is rejected prior to the opening
8 of the affidavit envelope or return envelope imprinted with the
9 affidavit, the voter casting the ballot shall be notified by a
10 precinct election official by the time the canvass is completed
11 of the reason for the rejection on a form prescribed by the
12 state commissioner of elections.

13 Sec. 11. Section 53.27, Code 2013, is amended to read as
14 follows:

15 **53.27 Rejection of ballot — return of envelope.**

16 If the ballot is rejected, the ~~affidavit~~ envelope, imprinted
17 with the affidavit ~~of~~, with the voter-endorsed voter's
18 endorsement thereon, shall be returned with the rejected ballot
19 in the envelope endorsed "Defective ballots".

20 Sec. 12. Section 53.30, Code 2013, is amended to read as
21 follows:

22 **53.30 Ballots, ballot envelopes, and other information**
23 **preserved.**

24 At the conclusion of each meeting of the absentee and
25 special voter's precinct board, the board shall securely
26 seal all ballots counted by them in the manner prescribed in
27 section 50.12. The ballot envelopes, including the affidavit
28 envelope ~~having the registered voter's affidavit on it, if~~
29 an affidavit envelope was provided, the return envelope, and
30 secrecy envelope bearing the signatures of precinct election
31 officials, as required by section 53.23, shall be preserved.
32 All applications for absentee ballots, ballots rejected without
33 being opened, absentee ballot logs, and any other documents
34 pertaining to the absentee ballot process shall be preserved
35 until such time as the documents may be destroyed pursuant to

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1 section 50.19.

2 Sec. 13. Section 53.32, Code 2013, is amended to read as
3 follows:

4 **53.32 Ballot of deceased voter.**

5 When it shall be made to appear by due proof to the precinct
6 election officials that any elector, who has so marked and
7 forwarded a ballot, has died before the ~~affidavit~~ envelope
8 imprinted with the affidavit is opened, then the ballot of such
9 deceased voter shall be endorsed, "Rejected because voter is
10 dead", and be returned to the commissioner; but the casting
11 of the ballot of a deceased voter shall not invalidate the
12 election.

13 Sec. 14. Section 53.38, Code 2013, is amended to read as
14 follows:

15 **53.38 What constitutes registration.**

16 Whenever a ballot is requested pursuant to section 53.39 or
17 53.45 on behalf of a voter in the armed forces of the United
18 States, the affidavit upon the ~~affidavit~~ envelope imprinted
19 with the affidavit of such voter, if the voter is found to
20 be an eligible elector of the county to which the ballot is
21 submitted, shall constitute a sufficient registration under
22 chapter 48A. A completed federal postcard registration and
23 federal absentee ballot request form submitted by such eligible
24 elector shall also constitute a sufficient registration under
25 chapter 48A. The commissioner shall place the voter's name
26 on the registration record as a registered voter if it does
27 not already appear there. The identification requirements of
28 section 48A.8 and the verification requirements of section
29 48A.25A do not apply to persons who register to vote under this
30 division.

31 Sec. 15. Section 53.40, subsection 3, Code 2013, is amended
32 to read as follows:

33 3. If the affidavit on the ~~affidavit~~ envelope imprinted
34 with the affidavit shows that the affiant is not a qualified
35 voter on the day of the election at which the ballot is



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1 offered for voting, the envelope shall not be opened, but
2 the envelope and ballot contained in the envelope shall be
3 preserved and returned by the precinct election officials to
4 the commissioner, who shall preserve them for the period of
5 time and under the conditions provided for in sections 50.12,
6 50.13, 50.15, and 50.19.

7 Sec. 16. Section 53.44, unnumbered paragraph 1, Code 2013,
8 is amended to read as follows:

9 The affidavit on the ~~affidavit~~ envelope imprinted with the
10 affidavit used in connection with voting by absentee ballot
11 under this division by members of the armed forces of the
12 United States need not be notarized or witnessed, but the
13 affidavit on such envelope shall be completed and signed by the
14 voter.

15 Sec. 17. REPEAL. Sections 53.13 and 53.14, Code 2013, are
16 repealed.

17 EXPLANATION

18 This bill relates to envelopes provided to absentee voters.
19 Under current law, absentee ballots mailed to a voter are
20 required to be enclosed in an unsealed envelope bearing a
21 serial number and an affidavit, which are then required to be
22 enclosed in or with a return envelope, all of which are then
23 required to be enclosed in a third envelope to be sent to the
24 registered voter requesting an absentee ballot.

25 The bill allows for an affidavit to be imprinted on the
26 return envelope. If a return envelope imprinted with the
27 affidavit is used, absentee ballots mailed to a voter are
28 required to be enclosed in the unsealed return envelope
29 imprinted with the affidavit which is required to be enclosed
30 in a second envelope to be sent to the registered voter
31 requesting an absentee ballot. The bill allows a county
32 commissioner of elections to continue sending absentee ballots
33 as provided under current law or to send absentee ballots
34 utilizing a return envelope imprinted with the affidavit. The
35 bill makes additional conforming changes.

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1 The bill also repeals Code section 53.14 which requires that
2 the printed affidavit designate the voter's party affiliation
3 if the ballot enclosed is a primary election ballot.



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Senate Study Bill 1236 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to medical malpractice actions.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.139, Code 2013, is amended to read
2 as follows:

3 **147.139 Expert witness testimony — standards.**

4 1. If the standard of care given by a physician and surgeon
5 or an osteopathic physician and surgeon licensed pursuant
6 to chapter 148, or a dentist licensed pursuant to chapter
7 153, is at issue, the court shall only allow a person to
8 qualify as an expert witness and to testify on the issue of
9 the appropriate standard of care if the person's medical or
10 dental qualifications relate directly to the medical problem
11 or problems at issue and the type of treatment administered in
12 the case.

13 2. No more than two expert witnesses for each element of a
14 cause of action described in subsection 1 may be designated by
15 the parties unless the parties agree to additional experts or
16 the court orders additional experts for good cause shown.

17 **Sec. 2. NEW SECTION. 611.24 Medical malpractice actions.**

18 A district court shall try any action founded on injuries
19 to the person or wrongful death against any physician and
20 surgeon, osteopathic physician and surgeon, dentist, podiatric
21 physician, optometrist, pharmacist, chiropractor, physician
22 assistant, or nurse, licensed under chapter 147, or a hospital
23 licensed under chapter 135B, arising out of patient care,
24 within two years from the date the action is commenced unless
25 the parties agree to a later trial date or the court finds for
26 good cause shown, not ex parte, that an extension is necessary
27 and appropriate.

28 **Sec. 3. HEALTH COURT PILOT PROJECT.** The judicial branch
29 shall establish and administer a health court pilot project,
30 subject to available funding, in at least one judicial
31 district. The health court pilot project shall provide for the
32 appointment of one or more district judges with demonstrated
33 experience or expertise in medical malpractice litigation who
34 shall preside over all medical malpractice cases within the
35 judicial district. Each judge appointed to the health court

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1 shall have a court reporter assigned to the judge who has
2 experience or expertise in medical malpractice cases. The
3 judicial branch and the pilot project judicial districts shall
4 report to the general assembly on the operation of the projects
5 annually by December 15.

6 Sec. 4. DEPARTMENT OF PUBLIC HEALTH TASK FORCE —
7 UNNECESSARY MEDICAL PROCEDURES. The department of public
8 health shall convene a task force of stakeholders, subject
9 to available funding, to consider and offer recommendations
10 to assess the extent to which medical professionals in Iowa
11 perform unnecessary medical procedures. Stakeholders shall
12 include experts in law, medicine, health, and health financing
13 including but not limited to representatives from the Iowa
14 state bar association, Iowa association for justice, Iowa
15 medical society, Iowa hospital association, department of
16 human services, insurance commissioner, and federation of Iowa
17 insurers. The task force shall submit a report containing
18 recommendations to the general assembly by December 2, 2013.

19 EXPLANATION

20 This bill relates to medical malpractice actions.

21 EXPERT WITNESSES. The bill provides that no more than two
22 expert witnesses for each element of a medical malpractice
23 cause of action involving physicians or dentists may be
24 designated by the parties unless the parties agree to
25 additional experts or the court orders additional experts for
26 good cause shown.

27 MEDICAL MALPRACTICE ACTIONS — RESOLUTION. The bill
28 provides that a district court shall try any action founded on
29 injuries to the person or wrongful death against any physician
30 and surgeon, osteopathic physician and surgeon, dentist,
31 podiatric physician, optometrist, pharmacist, chiropractor,
32 physician assistant, or nurse licensed under Code chapter 147
33 or a hospital licensed under Code chapter 135B, arising out
34 of patient care, within two years from the date the action is
35 commenced unless the parties agree to a later trial date or

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1 the court finds for good cause shown, not ex parte, that an
2 extension is necessary and appropriate.

3 HEALTH COURT PILOT PROJECT. The bill requires the judicial
4 branch to establish and administer a health court pilot
5 project, subject to available funding, in at least one judicial
6 district. The health court pilot project shall provide for the
7 appointment of one or more district judges with demonstrated
8 experience or expertise in medical malpractice litigation who
9 shall preside over all medical malpractice cases within the
10 judicial district. Each judge appointed to the health court
11 shall have a court reporter assigned to the judge who has
12 experience or expertise in medical malpractice cases. The
13 judicial branch and the pilot project judicial districts shall
14 report to the general assembly on the operation of the projects
15 annually by December 15.

16 DEPARTMENT OF PUBLIC HEALTH TASK FORCE — UNNECESSARY
17 MEDICAL PROCEDURES. The bill requires the department of
18 public health to convene a task force of stakeholders, subject
19 to available funding, to consider and offer recommendations
20 to assess the extent to which medical professionals in Iowa
21 perform unnecessary medical procedures. Stakeholders shall
22 include experts in law, medicine, health, and health financing
23 including but not limited to representatives from the Iowa
24 state bar association, Iowa association for justice, Iowa
25 medical society, Iowa hospital association, department of
26 human services, insurance commissioner, and federation of Iowa
27 insurers. The task force shall submit a report containing
28 recommendations to the general assembly by December 2, 2013.